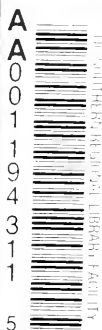


Private and Confidential.



# GUIDE TO THE HOME RULE BILL

JUNE, 1912

UNIVERSITY OF CALIFORNIA  
AT LOS ANGELES

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A  
GUIDE  
TO  
THE HOME RULE BILL.

Edited by

The Rt. Hon. J. H. CAMPBELL, K.C., M.P.



UNION DEFENCE LEAGUE  
AND  
NATIONAL UNIONIST ASSOCIATION.



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## PREFACE.

By the RT. HON. JAMES H. CAMPBELL, K.C., M.P.

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THE Government of Ireland Bill, 1912, is defended and advocated by reckless assurances and impossible promises. It is to prepare the way for Home Rule all round and to relieve the congestion of the Imperial Parliament. It is to combine real autonomy for Ireland with effective Imperial control. It is to give the new Government a generous financial margin without imposing excessive burdens on the English taxpayer. A scheme which really gave any promise of fulfilling these expectations might have a certain claim upon the sympathetic consideration of the House of Commons. But the smallest examination of the present Bill will show that so far from giving any security that it will carry out the ostensible wishes of its promoters, it will actually increase the evils that it is designed to remedy. It is beyond the scope of the present writer to discuss the relative advantages of a federal or unitary system of government in these islands. There may be some who look forward without misgivings to the expenditure of three or four years of Parliamentary time in setting up five Parliaments with Cabinets responsible to them, in establishing a written constitution, a federal Court, and the other complicated machinery of federalism in so small an area as that of the United Kingdom. We need at the moment say no more than that this Bill is the most deadly obstacle either to the maintenance of our present constitution, or to the substitution of any rational scheme of federalism in its place. This Bill is no more Federalism than it is Unionism; it is a kind of experiment for which political science has as yet discovered no name. Under it, the relation of Ireland to England will not be that

of a single State to a Federal Union nor even that of a self-governing colony to the Home Country. It will be an uneasy and unstable combination of which the constituent parts must constantly tend to separation. The Bill makes futile and harassing attempts to take back with one hand the full self-government which it gives with the other. The Government are engaged in the hopeless effort of Frankenstein, to control the actions of the powerful and independent monster to which they are giving life.

The essence of federalism is the active and continuous control of the same territory by two Governments, each of which is supreme in its own sphere and neither of which can interfere with the other. The Home Rule scheme contemplates general control by one Government, subject to capricious and intermittent intervention by another. The Irish Government can alter customs duties, and, therefore, the customs union, the most useful adjunct of federalism, is destroyed. But the policy of the Irish Government and the calculations of the Irish Chancellor can be utterly disturbed by an adjustment of English customs with which they have nothing to do. If there is an English customs duty on tea, the Irish Parliament may increase it to the limit of increasing the yield by one-tenth. But if the English customs duty is removed the Irish customs duty has gone too, whatever may be the views of the Irish Parliament. The Bill makes it necessary to establish the irritating and expensive customs barrier between England and Ireland while it restricts the imagination of the Irish Chancellor to attempts to wriggle out of the wording of the Act. Again, the Irish Parliament cannot give protection to Irish manufacturers by the straightforward methods of preferential tariff, but it is permitted to gain the same ends by means of bounties which provide a fertile soil for political corruption and intrigue. The Post Office, an essentially federal service, is given to the Irish Parliament, but the financial responsibility for National Insurance and Old Age Pensions, which are purely Irish services, are retained by the Imperial Government.

There is no exclusive jurisdiction at all. The British Parliament can nominally interfere in all Irish matters, and the Irish members at Westminster will certainly help to settle English domestic policy. The interference of the British Parliament is so devised as to cause the maximum amount of irritation and friction with the minimum of effective control. The first problem which must arise when the new Parliament is established is the limits within which the Imperial authority will in practice be exercised. The desire of the Irish Cabinet will naturally be to get themselves recognised as standing in a position similar to that of a self-governing colony. They will be inclined to follow colonial precedent at first, when their authority is strong in Ireland, by meeting any intervention of which they disapprove by resignation. If the Imperial Parliament then gives way the elaborate safeguards of the Bill will disappear at one blow. If the Imperial Parliament refuses to give way the Lord Lieutenant will be left without a Ministry and the deadlock which Unionists have foreseen will ensue. The history of every intervention in the government of Ireland must be one of Nationalist triumph and Imperial defeat. The story of Grattan's Parliament would be repeated, and the tie between the two countries would be gradually loosened by the same process which separated Norway from Sweden and is now parting Hungary from Austria. This process is not federal but anti-federal in its nature. In introducing his Home Rule Bill, Mr. Asquith significantly remarked that in moving towards a federal system we should be meeting our Colonies on the same road. If two people meet on a road, it means that they are going in different directions. The Colonies are moving from separation towards unity; the adoption of the Home Rule Bill would be for us a decisive movement in the opposite direction.

Equally false from a constitutional standpoint is the representation of Irish members in the British Parliament, especially when the financial provisions of the Bill

are taken into account. Financial independence is, of course, the only ground upon which legislative autonomy can rationally be based. But in federalism something more than financial independence is required. Federalism looks to the constituent States for payment towards the expenses of the Federal Government and representation in the Federal Parliament is dependent in the last resort upon such payment. The old principle of government that taxation and representation should go together is specially applicable to federalism. But this Bill neither exacts any federal payment from Ireland nor even contemplates one in the immediate future. If the principle of Home Rule were extended to the other parts of the United Kingdom within the next six or seven years we could hope for no financial assistance from Ireland. On the contrary, the federal Government would have not only to provide for the free defence of Ireland but it would have to meet the continual subsidy to the Irish Government. Federation on such terms would be financial lunacy. Either the Government looks forward to an early readjustment of Irish finances on terms which no sane Irish Chancellor could consider for a moment, or else its pledges to Scottish members and to the Country are made with the full knowledge that they can never be fulfilled.

These considerations make the provisions of the Bill almost appalling to those who hold by the recognised principles of free government. Taxation and representation are both included in the Home Rule Bill, but they are most unequally divided. The taxation is given to England while the representation is retained by Ireland. Although the taxation per head of the population of Ireland is lower than that of England, the English people are compelled to make a free grant to Ireland to induce them to accept their longed-for freedom. The financial independence which was good enough for our loyal cousins in the Dominions is to be replaced by a substantial grant in the case of the disloyal Irish politicians. England is to have no word in how this money is spent, but the Irish Members are still to come to

Westminster to dictate how the taxes to which they do not contribute are to be allotted. Mr. Asquith's only excuse for this monstrous injustice is the classic answer of the servant girl in misfortune. There is to be an Irish representation, but it is to be a very little one. He constantly, in this Bill, pursues this policy of attempting to mitigate an injustice to England by inflicting another upon Ireland. It is utterly unreasonable from any standpoint of constitutional law to permit Irishmen to vote taxes that they do not pay. Nor can forty-two votes, counting over eighty on a division, be regarded as a negligible factor in these days of balanced parties and small majorities. But it is no less inequitable that Ireland should be represented in the Parliament which, nominally, at least, has supreme control of all Irish affairs only partly to the extent that her population would justify. The Government is again brought up against the inherent impossibility of establishing Federalism on an instalment plan. In so far as the British Parliament is the domestic Parliament of Great Britain it is grossly unjust that Ireland should be represented there at all. But in so far as the Imperial Parliament is the supreme controller of the affairs of the United Kingdom, it is cruelly unfair that Ireland should not have the full representation that her population demands. If the Government will insist upon confusing the two, the only equitable solution is to be found in the "popping in-and-out clauses" of the 1893 Bill. That they were proved to be utterly impracticable is beside the point. The whole scheme is impracticable, and one absurdity more or less should not affect the fact of a measure which should have been conceived in Bedlam and born in Colney Hatch.

The financial provisions are another illustration of Mr. Asquith's strange aptitude for framing a bargain which will be unjust to both parties at the same time. The English taxpayer will have to pay a subsidy towards the Irish Parliament for an indefinite time whether he approves of the actions of that Parliament or not. But the Irish Chancellor is given, as an incentive to prudence and economy,

a provision that if he succeeds in making both ends meet for three consecutive years he may be asked to contribute towards Imperial expenditure. The English subsidy is justified on the grounds that the Irish people have been, and are, over-taxed to the extent of several millions every year. This is to be remedied by setting up a Parliament which, if it is not to be utterly impotent, must immediately tax the Irish people even more. Economy is to be preserved by setting up another Parliament with paid members, ministers, clerks and officers. One Government is to collect the taxes, the other Government is to spend them, and when they fall out the question is to be decided by a Board of Civil Servants representing both Parliaments and responsible to neither. This Board will have as its head an independent chairman, who, if he is an Englishman, will be distrusted by Ireland, and if an Irishman, will be despised by England. If he is a Liberal the smouldering fires of Unionist discontent will blaze into flame ; if he is a Unionist, the Nationalists will be up in arms. If he is a financier, he will be denounced as a man of figures with no imaginative sense ; if a statesman, as a dreamer with no practical acquaintance with his subject ; while, if he is none of these things, it will be agreed on all hands that he lacks qualifications for his position.

Look, then, at the position of the Irish Parliament. For years the Irish Nationalists have preached two doctrines to a discontented people. Whenever any town or district wanted anything, from piers to seed potatoes, they were told to wait for Home Rule. Recently, Government Boards and Departments have arisen under the Union Government to satisfy every legitimate economic aspiration of the people. Since then the competition of Nationalist agitators to describe the advantages that will immediately follow the grant of Home Rule has been immense. Every extravagant scheme, from the Nationalisation of the railways to the compulsory expropriation of all landlords and graziers, has been welcomed and endorsed by the Nationalist Party. On the other hand, the people have been told from every platform that they



have been grossly over-taxed by the perfidious Saxon, and that in Home Rule they will find the only relief from the crushing burdens which oppress them. Now the time is coming when these promises will have to be honoured. The Nationalists will have to explain to their deluded followers that neither landlords nor railway shareholders can be violently expropriated. Seed potatoes will not drop in heavenly showers upon the grateful earth, nor will revenue accumulate to the music of the Emmet Brass Band or by decree of the Ancient Order of Hibernians. The Irish Parliament, on the contrary, will have to increase taxes upon the farmers in order to carry out the most elementary and necessary reforms. Only those who know Ireland can appreciate the violence of the reaction. To save itself, the Ministry will have to direct the attack upon the Exchequer Board and attempt to placate their followers by a policy of noisy patriotism. The Senate will not be in any position to restrain the excesses of the lower House. There is no reason to suppose that it will gain from the impressiveness of its constitution the authority that it will lack from the smallness of its numbers. It is to consist of "independent men,"—men, in other words, who are detached from any political party. As a rule such men, though they be the salt of earth, are regarded by the populace with aversion as political dreamers, and in no country is this more true than in Ireland. An elected Senate, especially if it were elected by some system of proportional representation, would carry more weight in Ireland than any composed of the nominees which this Government is likely to find. Like other provisions in this Bill, it has been framed in entire ignorance or disregard of the most elementary Irish conditions.

Finally, the Bill proposes to set up an Irish Executive and to place under its control the lives and liberties of the Loyalist community in Ireland. Any such Executive will inevitably be manned by the men who for the last thirty years have been responsible for the organised intimidation and lawlessness which have paralysed the ordinary law and

brought sorrow, suffering and death into many a home. For the last five years, since the advent to office of the present Government, this organised tyranny has reigned triumphant in every part of Ireland outside Ulster, and owing to the cowardly connivance of the Irish Executive the various forms of agrarian outrage, including murder, moonlighting, cattle-maiming and boycotting have run rampant and unpunished. Since the Peace Preservation Act was dropped some three years ago, there have been about eight hundred outrages with fire-arms involving the death of twenty-eight persons and the mutilation of nearly two hundred others. Little wonder if, in the light of such experience, the loyal and law-abiding subjects of the King in Ireland are fixed and unaltered in their determination to resist to the uttermost by every means in their power, and at any cost or sacrifice, the attempt to rivet upon them for all time the fetters of such an intolerable and cruel tyranny.

My thanks are due to Mr. S. Rosenbaum, Mr. Pembroke Wicks and the Secretary of the Union Defence League (Mr. Philip G. Cambray), for their help and assistance in the preparation of this volume. I have also to thank Mr. Alastair Gilmour for placing at my service his summary of the Committee Stage of the Home Rule Bill, 1893, which has been included.

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# Government of Ireland Bill.

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## ARRANGEMENT OF CLAUSES.

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### *Legislative Authority.*

#### CLAUSE.

1. Establishment of Irish Parliament.
2. Legislative powers of Irish Parliament.
3. Prohibition of laws interfering with religious equality, &c.

### *Executive Authority.*

4. Executive power in Ireland.
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A BILL

TO

AMEND THE PROVISION FOR THE GOVERNMENT  
OF IRELAND.

A.D. 1912

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

*Legislative Authority.*

5

Establish-  
ment of  
Irish Par-  
liament.

1. (1) On and after the appointed day there shall be in Ireland an Irish Parliament consisting of His Majesty the King and two Houses, namely, the Irish Senate and the Irish House of Commons.

(2) Notwithstanding the establishment of the Irish Parlia- 10  
ment or anything contained in this Act, the supreme power and authority of the Parliament of the United Kingdom shall remain unaffected and undiminished over all persons, matters, and things within His Majesty's dominions.

Legislative  
powers of  
Irish Par-  
liament.

2. Subject to the provisions of this Act, the Irish Parliament 15  
shall have power to make laws for the peace, order, and good government of Ireland with the following limitations, namely, that they shall not have power to make laws except in respect of matters exclusively relating to Ireland or some part thereof, and (without prejudice to that general limitation) that they shall not 20  
have power to make laws in respect of the following matters in particular, or any of them, namely—

- (1) The Crown, or the succession to the Crown, or a Regency ;  
or the Lord Lieutenant except as respects the exercise  
of his executive power in relation to Irish services 25  
as defined for the purposes of this Act ; or



1. (1) The use of the word "Parliament" is new in Irish Home Rule Bills. "Legislature" was the description previously applied: "Parliament" is a concession to Irish Home Rulers. Mr. W. Redmond in 1893 (May 9th) in Committee moved to substitute the word "Parliament" for "Legislature" on the ground that the Irish were accustomed to use the word "Parliament," and its inclusion would satisfy their widespread sentiment. Mr. Gladstone declined to accept the amendment, as no Colony, except Canada, had the word "Parliament." Now, however, Australia has a Parliament, as also the Union of South Africa.

The nomenclature of the two Houses—Senate and House of Commons—follows that of Canada. Senate is also the name of the Upper Chambers of Australia and South Africa: but the lower chamber is variously named House of Representatives or House of Assembly.

In the Bill of 1886 there was an Irish legislative body of two orders: that of 1893 established a legislative council and legislative assembly.

(2) The Bill of 1893, as introduced, contained a preamble asserting the supreme authority of the Imperial Parliament: and as amended contained a further provision in Clause 2 reasserting this supremacy, substantially the words of this sub-section. The amendment was moved by Sir Henry James, and was accepted by Mr. Gladstone (May 10th, 1893).

2. "Peace, order and good government" is the customary phrase. The wording substantially follows the Bill of 1893 as amended. The list of legislative powers outside the authority of the Irish Parliament generally follows that of Clause 3 of the amended Bill of 1893. "Any other naval or military matter" in (3) is general, and is substituted for the details enumerated in the previous Bill.

- (2) The making of peace or war or matters arising from a state of war; or the regulation of the conduct of any portion of His Majesty's subjects during the existence of hostilities between Foreign States with which His Majesty is at peace, in relation to those hostilities; or 5
- (3) The navy, the army, the territorial force, or any other naval or military force, or the defence of the realm, or any other naval or military matter; or
- (4) Treaties, or any relations, with Foreign States, or relations with other parts of His Majesty's dominions, 10 or offences connected with any such treaties or relations, or procedure connected with the extradition of criminals under any treaty, or the return of fugitive offenders from or to any part of His Majesty's dominions; or 15
- (5) Dignities or titles of honour; or
- (6) Treason, treason felony, alienage, naturalisation, or aliens as such; or
- (7) Trade with any place out of Ireland (except so far as trade may be affected by the exercise of the powers 20 of taxation given to the Irish Parliament, or by the regulation of importation for the sole purpose of preventing contagious disease); quarantine; or navigation, including merchant shipping (except as respects inland waters and local health or harbour regula- 25 tions); or
- (8) Lighthouses, buoys, or beacons (except so far as they can consistently with any general Act of the Parliament of the United Kingdom be constructed or maintained by a local harbour authority); or 30
- (9) Coinage; legal tender; or any change in the standard of weights and measures; or
- (10) Trade marks, designs, merchandise marks, copyright, or patent rights; or
- (11) Any of the following matters (in this Act referred to 35 as reserved matters), namely—
  - (a) The general subject-matter of the Acts relating to Land Purchase in Ireland, the Old Age Pensions Acts, 1908 and 1911, the National Insurance Act, 1911, and the Labour Exchanges Act, 1909; 40

## Notes to Clauses.

### CLAUSE 2—*continued.*

The Clause does not prevent the Irish Parliament removing Ireland from the scope of the Trade Disputes and Workmen's Compensation Acts. (*See* Parl. Deb., May 15th, col. 1222.)

The words of Sub-section 7—"except so far as trade may be affected by the exercise of the powers of taxation given to the Irish Parliament"—are necessarily occasioned by the new financial conditions of the measure. (*See* Clauses 15, 16, 17.)

Sub-section (9) prevents the Irish Parliament enacting that the notes of any specified bank in Ireland shall be legal tender to any particular amount or for any particular class of transaction or generally. (*See* Parl. Deb., May 20th, col. 1534.)

Sub-section (11) is new. For the possible future control of certain "reserved matters" *see* Clause 5.

The rent-fixing provisions of the Irish Land Acts are not a reserved matter. (*See* Parl. Deb., April 25th, col. 1210.)

The function of the Land Commission in respect of advances to local authorities for the provision of labourers' cottages out of the Land Purchase Fund is a reserved service. (*See* Parl. Deb., May 20th, col. 1534.)

<sup>See</sup> Collection of taxes (11 (b)) includes land valuation under Finance Act, 1909-10 (*see* Parl. Deb., May 16th, col. 1260), and the affixing of a receipt stamp. (*See* Parl. Deb., May 15th, col. 1116.)<sub>31</sub>

(b) The collection of taxes ;

(c) The Royal Irish Constabulary and the management and control of that force ;

(d) Post Office Savings Banks, Trustee Savings Banks, and Friendly Societies ; and 5

(e) Public loans made in Ireland *before the passing of this Act* :

Provided that the limitation on the powers of the Irish Parliament under this section shall cease as respects any such reserved matter if the corresponding reserved service is transferred to the Irish Government under the provisions of this Act. 10

Any law made in contravention of the limitations imposed by this section shall so far as it contravenes those limitations, be void. 15

Prohibition of laws interfering with religious equality, &c.

3. In the exercise of their power to make laws under this Act the Irish Parliament shall not make a law so as either directly or indirectly to establish or endow any religion, or prohibit the free exercise thereof, or give a preference, privilege, or advantage, or impose any disability or disadvantage, on account of religious belief or religious or ecclesiastical status, or make any religious belief or religious ceremony a condition of the validity of any marriage. 20

Any law made in contravention of the restrictions imposed by this section shall, so far as it contravenes those restrictions, be void. 25

*Executive authority.*

Executive Power in Ireland.

4. (1) The executive power in Ireland shall continue vested in His Majesty the King, and nothing in this Act shall affect the exercise of that power except as respects Irish services as defined for the purposes of this Act. 30

(2) As respects those Irish services the Lord Lieutenant or other chief executive officer or officers for the time being appointed in his place, on behalf of His Majesty, shall exercise any prerogative or other executive power of His Majesty the exercise of which may be delegated to him by His Majesty. 35

(3) The power so delegated shall be exercised through such Irish Departments as may be established by Irish Act

## Notes to Clauses.

3. Prohibits the Irish Parliament dealing with certain subjects in specified ways of legislation:—

- (a) No religion may be established or endowed, directly or indirectly.
- (b) The free exercise of religion cannot be prohibited.
- (c) No preference, privilege or advantage can be given to any religion.
- (d) No disability or disadvantage can be imposed on account of religious belief, or religious or ecclesiastical status.
- (e) No religious belief or religious ceremony can be made a condition of any marriage.

Of the prohibitions (d) and (e) the Prime Minister said: "These words are chosen specially to exclude the possibility—I have never thought it myself even a possibility—of legislation on the part of the new Irish Parliament to make any attempt to give effect to either of those recent Papal pronouncements which go by the name of the *Ne Temere* and *Motu Proprio* decrees; in other words, to establish any privileged status of clerical persons before the tribunals of the country, or in any way to interfere with the validity of mixed marriages between persons of different religious beliefs." (Parl. Deb., April 11th, 1912, cols. 1406-7.)

The extent to which these are in reality safeguards can be tested by their applicability to the action of certain County Councils limiting rate-aided scholarships to the National University.

These prohibitions are concerned solely with legislation affecting religious equality. They are, even as concerns religion, very much shorter than the restrictions on the powers of the Irish Legislature contained in Clause 4 of the amended Bill of 1893; moreover, they do not specifically restrict the Irish Parliament as the Bill of 1893 did the Irish Legislature in respect of many functions.

Upon this point the Prime Minister said: "The Bill of 1893 contained, in its fourth clause, a number of restrictions upon the powers of the Irish Legislature, which we do not intend to repeat. We do not do so for the reason, which we think is a good and sufficient reason—

- (a) First of all that they were very vague in their terms.
- (b) Next because we believe them to be absolutely unnecessary so far as we can foresee the course of events.
- (c) Further, because they would give rise to infinite opportunity for litigation upon matters which are not very fit to be subject to the cognisance of the court of law; and
- (d) Finally, because we believe that in so far as they were directed against real dangers, those dangers are amply provided against by the other safeguards provided in our Bill."

(Parl. Deb., April 11th, 1912, col. 1406.)

The necessity for a careful provision of safeguards is shown by the inclusion in this Bill of the additional provisions to cover the *Ne Temere* and *Motu Proprio* decrees. In the case of the former referring to mixed marriages, provision is now found necessary, although in 1893 Mr. Gladstone declined an amendment excepting marriage and divorce from the powers of the Irish Legislature.

4. An Act of the Irish Parliament determines the organisation of the Irish administration, the heads of the Departments of which become the Irish Ministers, holding office during the pleasure of the Lord Lieutenant, and being members of the Privy Council of Ireland and members of the Irish Parliament form the Irish "Cabinet" or Executive Committee.

Provision is made by Sub-section (4) (c) for Ministers without portfolios.

or, subject thereto, by the Lord Lieutenant, and the Lord Lieutenant may appoint officers to administer those Departments, and those officers shall hold office during the pleasure of the Lord Lieutenant.

(4) The persons who are for the time being heads of such Irish Departments as may be determined by Irish Act or, in the absence of any such determination, by the Lord Lieutenant, and such other persons (if any) as the Lord Lieutenant may appoint, shall be the Irish Ministers. 5

Provided that—

10

(a) No such person shall be an Irish Minister unless he is a member of the Privy Council of Ireland; and

(b) No such person shall hold office as an Irish Minister for a longer period than six months, unless he is or becomes a member of one of the Houses of the Irish Parliament; and 15

(c) Any such person not being the head of an Irish Department shall hold office as an Irish Minister during the pleasure of the Lord Lieutenant in the same manner as the head of an Irish Department holds his office. 20

(5) The persons who are Irish Ministers for the time being shall be an Executive Committee of the Privy Council of Ireland (in this Act referred to as the "Executive Committee"), to aid and advise the Lord Lieutenant in the exercise of his executive power in relation to Irish services. 25

(6) For the purposes of this Act, "Irish services" are all public services in connection with the administration of the civil government of Ireland except the administration of matters with respect to which the Irish Parliament have no power to make laws, including in the exception all public services in connection with the administration of the reserved matters (in this Act referred to as "reserved services"). 30

5. (1) The public services in connection with the administration of the Acts relating to the Royal Irish Constabulary and the management and control of that force, shall by virtue of this Act be transferred from the Government of the United Kingdom to the Irish Government on the expiration of a period 35

Future transfer of certain reserved services.

5. The clause deals with the transfer to the Irish Parliament of certain "reserved services." Reserved services are (Clause 2 (11)) :

(1) The general subject-matter of Acts relating to—

(a) Land Purchase in Ireland.

(b) Old Age Pensions Act, 1908 and 1911.

(c) National Insurance Act, 1911.

(d) Labour Exchanges Act, 1909.

(2) The collection of Taxes.

(3) The Royal Irish Constabulary.

(4) Post Office Savings Banks, Trustee Savings Banks, and Friendly Societies.

(5) Public Loans made in Ireland before the passing of the Act.

Of these services, in respect of—

(1) (a) Land Purchase;

(2) Collection of Taxes;

(5) Public Loans :

no provision is made for their transference to the Irish Parliament by the Bill.

In respect of—

(3) Royal Irish Constabulary

there is an automatic transfer at the end of six years.

In respect of—

(1) (b) Old Age Pensions Acts, 1908 and 1911 ;

(1) (c) National Insurance Act, 1911 ;

or (1) (c) and (d) together—National Insurance Act, 1911 ; and Labour Exchanges Act, 1909 ;

there is provision for transfer at any time not less than a year from a resolution being passed by both Houses of the Irish Parliament.

In respect of—

(4) Post Office Savings Bank, Trustee Savings Banks and Friendly Societies

there is an optional transfer on a resolution of both Houses of the Irish Parliament :—

(a) Subject to a time limit of ten years from the appointed day (September 2nd, 1913), before it can become operative.

of six years from the appointed day and those public services shall then cease to be reserved services and become Irish services.

(2) If a resolution is passed by both Houses of the Irish Parliament providing for the transfer from the Government of the United Kingdom to the Irish Government of the following reserved services, namely— 5

(a) All public services in connection with the administration of the Old Age Pensions Acts, 1908 and 1911 ; or

(b) All public services in connection with the administration of Part I. of the National Insurance Act, 1911 ; or 10

(c) All public services in connection with the administration of Part II. of the National Insurance Act, 1911, and the Labour Exchanges Act, 1909 ; or

(d) All public services in connection with the administration of Post Office Savings Banks, Trustee Savings Banks, 15 and Friendly Societies ;

the public services to which the resolution relates shall be transferred accordingly as from a date fixed by the resolution, being a date not less than a year after the date on which the resolution is passed, and shall on the transfer taking effect cease 20 to be reserved services and become Irish services :

Provided that this provision shall not take effect as respects the transfer of the services in connection with Post Office Savings Banks, Trustee Savings Banks, and Friendly Societies until the expiration of ten years from the appointed day. 25

(3) On any transfer under or by virtue of this section, the transitory provisions of this Act (so far as applicable) and the provisions of this Act as to existing Irish officers shall apply with respect to the transfer, with the substitution of the date of the transfer for the appointed day, and of a period of five years 30 from that date for the transitional period.

### *Irish Parliament.*

Summoning,  
&c., of Irish  
Parliament.

6. (1) There shall be a session of the Irish Parliament once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one session and their first sitting in the next session. 35

(2) The Lord Lieutenant shall, in His Majesty's name summon, prorogue, and dissolve the Irish Parliament.



## Notes to Clauses.

### CLAUSE 5—*continued*.

- (b) If passed after the ten years' period, subject to the provision by which the transfer takes effect at a date not less than a year after the passing of the resolution by both Houses of the Irish Parliament.

From the Prime Minister's speech it would appear that it is intended to provide by the Order in Council transferring the services a further period of six months during which depositors may decide whether or no to leave their deposits under the new conditions. He said: "In regard to the Post Office Savings Banks, after ten years there may be a transfer at the wish of the Irish Parliament, after an adequate notice—a notice of six months—which will enable all depositors who are so minded to make their arrangements accordingly." (Parl. Deb., April 11th, 1912, Col. 1405.)

Since the general Postal services are under the control of the Irish Parliament, the Imperial Parliament, so long as it retained control of the Post Office Savings Banks, would have to establish a separate department and local organisation for Savings Bank purposes, unless a provision to meet this contingency were inserted.

In the same manner with Old Age Pensions, both in respect of the duty of paying the pensions, which is undertaken by the Post Office, and in respect of the work of the supervising authority, the Local Government Board. The latter also is an Irish Department, and the Imperial Parliament, without special provision, would have to establish an Old Age Pension Department, so long as the service was not transferred to the Irish Parliament.

To obviate the necessity of establishing new Imperial Departments in Ireland, there is a general provision in Clause 40 permitting any department of the Government of the United Kingdom to make arrangements for the exercise and performance on behalf of that department of any powers or duties of that department by officers of an Irish department. The responsibility of the department by which the arrangement is made is not to be diminished by any such arrangement.

It would seem that the Post Office Savings Banks, although a reserved service, will be administered by the officers of the Irish Post Office; and, in the same way, the Old Age Pensions Act, so long as it remains a reserved service, will be administered by the officers of the Irish Post Office, and the Irish Local Government Board. How under these conditions the United Kingdom departments can exercise control over Irish officials, as they must do if the responsibility is to be effective, without friction and with regard for efficiency is more than doubtful.

The same problem presents itself in respect of the Congested Districts Board and the Land Commission. So far as their work concerns land purchase they are under Imperial control: other work in the case of the Congested Districts Board, and rent-fixing in the case of the Land Commission, is under the direction of the Irish Parliament.

6. (1) The wording is taken from Section 6 of the Commonwealth of Australia Act, 1900.

(2) The term of office of the members of the nominated Senate is not affected by a dissolution. (*See* Clause 8 (2).) The Australian Act, where the Senate, although not nominated, is elected for a fixed period of years, gives the Governor-General power to summon and prorogue Parliament "and dissolve the House of Representatives."

Royal assent  
to Bills of  
Irish Parlia-  
ment.

7. The Lord Lieutenant shall give or withhold the assent of His Majesty to Bills passed by the two Houses of the Irish Parliament, subject to the following limitations ; namely—

(1) He shall comply with any instructions given by His Majesty in respect of any such Bill ; and 5

(2) He shall, if so directed by His Majesty, postpone giving the assent of His Majesty to any such Bill presented to him for assent for such period as His Majesty may direct.

Composition  
of Irish  
Senate.

8. (1) The Irish Senate shall consist of forty senators 10  
nominated as respects the first senators by the Lord Lieutenant subject to any instructions given by His Majesty in respect of the nomination, and afterwards by the Lord Lieutenant on the advice of the Executive Committee.

(2) The term of office of every senator shall be eight 15  
years, and shall not be affected by a dissolution ; one fourth of the senators shall retire in every second year, and their seats shall be filled by a new nomination.

(3) If the place of a senator becomes vacant before the 20  
expiration of his term of office, the Lord Lieutenant shall, unless the place becomes vacant not more than six months before the expiration of that term of office, nominate a senator in the stead of the senator whose place is vacant, but any senator so nominated to fill a vacancy shall hold office only so long as the senator in whose stead he is nominated would have held 25  
office.

7. As to the giving or withholding of assent to Bills passed by the two Houses of the Irish Parliament, in the Bill of 1893 the Lord Lieutenant acted "on the advice of the Executive Committee, subject nevertheless to any instructions given by Her Majesty in respect of any such Bill." By Clause 4 (5) of this Bill the Executive Committee "aid and advise the Lord Lieutenant in the exercise of his executive power in relation to Irish services." The Lord Lieutenant would presumably only give or withhold assent to Bills on the advice of the Irish Executive Committee, subject to the two succeeding provisos. Assent is not in practice withheld by His Majesty to measures passed by the Imperial Parliament; and Mr. Asquith stated that "No Minister would advise it." (Parl. Deb., Feb. 21st, 1911, col. 1743.) As to the practice in the self-governing Dominions, see Keith, "Responsible Government in the Dominions," Vol. II., pp. 1007-1020. Probably the Irish practice would conform to the custom of the Imperial Parliament. For Colonial cases of refusal or disallowance see House of Lords Paper (196) of 1894; House of Commons Papers, 362 of 1901 and 184 of 1906.

On the "limitations," see South Africa Act, Section 64. They would in both cases be exercised at the direction of the British Cabinet. (See Mr. Asquith's Speech, April 11th, col. 1407.)

The power of reservation is common to colonial self-government (See British North America Act, 1867, Section 55; Commonwealth of Australia Act, 1900, Section 58; and South Africa Act, 1909, Section 64.)

The power of reservation is not, it will be noticed, automatically applied to any particular class of Act, as is the case with the South Africa Act (Section 64).

There is also no power of disallowance by the Imperial Parliament of laws to which the Lord Lieutenant has already given assent, as is the case in the British North America Act, Section 56; the Commonwealth of Australia Act, Section 59; and the South Africa Act, Section 65.

This power is limited in the case of Canada to two years, South Africa and Australia to one year.

In the Australia Act (Section 58) and the South Africa Act (Section 64) power is given to the Governor-General to return to the House in which it originated any Bill presented to him, and to transmit therewith any amendments which he may recommend, and the House may deal with the recommendation.

Mr. Asquith claims that the two limitations contained in Sections 7 (1) and 7 (2); and the "over-riding force of Imperial legislation" as expressly recognised in Clause 41 reserves "completely unimpaired, subject to the responsibility of the Executive here (at Westminster), the Imperial Parliament here (at Westminster) the power of vetoing or postponing any legislation which the Irish Parliament may pass." (Parl. Deb., April 11th, col. 1407.)

8. The provision for a "nominated" Senate probably caused the greatest surprise of any clause in the Bill; but it was effusively welcomed by Mr. John Redmond. (See Parl. Deb., April 11th, cols. 1443-4.)

It will be noticed that there is an entire absence of direction in respect of members of the Senate as to—

- (1) Age.
- (2) Residence. Residence in Ireland is apparently not a necessity.
- (3) Qualification of franchise. Registration as a voter is presumably not required.
- (4) Qualifications of property or interests in Ireland.
- (5) Disqualifications. Can other than British subjects be senators?

Composition  
of Irish  
House of  
Commons.

9. (1) The Irish House of Commons shall consist of one hundred and sixty-four members, returned by the constituencies in Ireland named in the First Part of the First Schedule to this Act in accordance with that Schedule, and elected by the same electors and in the same manner as members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom. 30

(2) The Irish House of Commons when summoned shall, unless sooner dissolved, have continuance for five years from the day on which the summons directs the House to meet and no longer. 35

(3) After *three years from the passing of this Act*, the Irish Parliament may alter, as respects the Irish House of

## Notes to Clauses.

### CLAUSE 8—*continued.*

Indeed, all we know about membership of the Senate is that by Clause 12 (3) any Peer is qualified for nomination : and from Mr. Birrell's answer to Mr. Sandys that Roman Catholic Bishops are not disqualified. (Parl. Deb., May 20th, col. 1534.)

The oath of allegiance is apparently not required of Senators, although it is of the Irish House of Commons. (*See* Clause 12 (2).)

There is apparently no power of removal for misconduct, or bankruptcy.

No directions are inserted in respect of the due representation of minorities or districts. There need be no Unionist Senators ; no Senators representing Ulster opinion ; no Senators representing Belfast or qualified to speak for industrial interests. Qualification for the Senate will undoubtedly be loyalty to the Nationalist Party. It is hardly likely that when the United Irish League insists upon only its members being co-opted to local government councils, it will remove this condition in respect of the very much more important office of Senator. In other Parliaments political considerations invariably govern nominations.

No provisions are inserted respecting—

- (1) A quorum.
- (2) Voting in the Senate.
- (3) Appointment of a President of the Senate.
- (4) Attendance, or automatic vacancy arising from continued absence.

The powers of the Senate in respect of money Bills and Budgets are set out in Clause 10.

Disagreements between the two Houses are dealt with in Clause 11.

9. The schedule provides for—

Borough members	...	...	...	34
County members	...	...	...	128
University members	...	...	...	2
				164

Having regard to the present division of parties, the Irish House of Commons is likely to consist of—

Nationalists	...	...	...	125
Unionists	...	...	...	39
				86

The first Irish House of Commons will be elected—

- (a) On the same electorate.
- (b) On the same electoral laws,

as apply in the case of Irish elections now to the House of Commons at Westminster.

But the second Irish House of Commons may be elected under an Irish Act which has—

- (1) Altered the franchise, perhaps to include women ;
- (2) Changed the laws of elections ;
- (3) Redistributed the seats ;

But—

- (a) The number of members of the Irish House of Commons cannot be increased or diminished.
- (b) Distribution must be carried out with due regard to the population of constituencies other than University constituencies.

The provision relating to University constituencies is not very clear. Under the Bill (Schedule 1) there is only one University constituency—

Commons, the qualification of the electors, the mode of election, the constituencies, and the distribution of the members of the House among the constituencies, provided that in any new distribution the number of the members of the House shall not be altered, and due regard shall be had to the population of the constituencies other than University constituencies. 5

Money Bills.

10. (1) Bills appropriating revenue or money, or imposing taxation shall originate only in the Irish House of Commons, but a Bill shall not be taken to appropriate revenue or money, or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the payment or appropriation of fees for licences or fees for services under the Bill. 10

(2) The Irish House of Commons shall not adopt or pass any resolution, address, or Bill for the appropriation for any purpose of any part of the public revenue of Ireland or of any tax, except in pursuance of a recommendation from the Lord Lieutenant in the session in which the vote, resolution, address, or Bill is proposed. 15

(3) The Irish Senate may not reject any Bill which deals only with the imposition of taxation or appropriation of revenue or money for the services of the Irish Government, and may not amend any Bill so far as the Bill imposes taxation or appropriates revenue or money for the services of the Irish Government, and the Irish Senate may not amend any Bill so as to increase any proposed charges or burden on the people. 20 25

(4) Any Bill which appropriates revenue or money for the ordinary annual services of the Irish Government shall deal only with that appropriation.

Disagree-  
ment be-  
tween two  
Houses of  
Irish Parlia-  
ment.

11. (1) If the Irish House of Commons pass any Bill and the Irish Senate reject or fail to pass it, or pass it with amendments to which the Irish House of Commons will not agree, and if the Irish House of Commons in the next session again pass the Bill with or without any amendments which have been made or agreed to by the Irish Senate, and the Irish Senate reject or fail to pass it, or pass it with amendments to which the Irish House of Commons will not agree, the Lord Lieutenant may during that session convene a joint sitting of the members of the two Houses. 30 35

(2) The members present at any such joint sitting may deliberate and shall vote together upon the Bill as last proposed by the Irish House of Commons, and upon the amendments (if 40

## Notes to Clauses.

### CLAUSE 9—*continued*.

Dublin. Apparently it may be added to by including representatives of the National University or Belfast University, always having regard to the provision that the number of members of the Irish House of Commons must not be changed.

Still subject to this condition, University representation can be abolished altogether or changed (*i.e.*, Dublin University could be deprived of one or both members in favour of the National University).

The provision relating to University representation, not being conditional upon population, is not at all clearly expressed. University constituencies have no "population"; apparently what is intended is that on any new distribution of seats on a basis of population by the division of members into population, the qualifying number shall be arrived at by dividing into the population not the full number of members, but the number less the University representation, if any.

There is, of course, no restriction on a provision in the new franchise Bill abolishing Plural Voting; and this would profoundly affect University representation.

There is no provision in the Bill in respect of the election of a Speaker or Deputy-Speaker of the Irish House of Commons.

10. The Commonwealth of Australia Act, 1900, Sections 53-56, has been followed here; but there is no provision enabling the Senate to return to the Irish House of Commons Bills which it may not amend, requesting, by message, the omission or amendment of any items or provisions therein. There is no declaratory section to the effect that except as provided in Clause 10, the Senate shall have equal power with the Irish House of Commons in respect of all proposed laws.

11. The provision for a joint sitting in the following session in cases of disagreement between the two Houses is not of great value except the majority in the Irish House of Commons be very small, since the members of the lower House considerably exceed in numbers the members of the Senate.

The figures are—

House of Commons	...	...	...	164
Senate	...	...	...	40
				<hr/>
				204

There is a provision for a joint sitting in the Australian Act, but in this case the numbers of the two Houses are 36 in the Senate and 75 in the House of Representatives.

The deliberations may be together; the voting must be together.

The amendments and the Bill are passed not by an *absolute* majority of the total numbers of the members of both Houses, but by a majority of the total number of the members of both Houses *present* at the sitting.

Further, since it is not a majority of those *voting*, the provision necessitates some official record of those present.

The convening of a joint sitting lies in the power of the Lord Lieutenant, who would apparently be within his right in declining to convene it, immediately before a General Election, if he thought the opinion of the country should be tested first.

If the Imperial Executive direct him, he would of course postpone giving assent to Bills passed as a result of a joint sitting. (Clause 7(2).)

any) which have been made therein by the one House and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members of the two Houses present at the sitting shall be taken to have been carried.

5

(3) If the Bill with the amendments (if any) so taken to have been carried is affirmed by a majority of the total number of members of the two Houses present at any such sitting, it shall be taken to have been duly passed by both Houses.

Privileges,  
qualifica-  
tions, &c., of  
members of  
Irish Parlia-  
ment.

12. (1) The powers, privileges, and immunities of the Irish Senate and of the Irish House of Commons, and of the members and of the committees of the Irish Senate and the Irish House of Commons, shall be such as may be defined by Irish Act, but so that they shall never exceed those for the time being held and enjoyed by the Commons House of Parliament of the United Kingdom and its members and committees, and, until so defined, shall be those held and enjoyed by the Commons House of Parliament of the United Kingdom, and its members and committees at the date of *the passing of this Act*.

10

15

(2) The law, as for the time being in force, relating to the qualification and disqualification of members of the Commons House of Parliament of the United Kingdom, and the taking of any oath required to be taken by a member of that House, shall apply to members of the Irish House of Commons.

20

(3) Any peer, whether of the United Kingdom, Great Britain, England, Scotland, or Ireland, shall be qualified to be a member of either House.

25

(4) A member of either House shall be incapable of being nominated or elected, or of sitting, as a member of the other House, but an Irish Minister who is a member of either House shall have the right to sit and speak in both Houses, but shall vote only in the House of which he is a member.

30

(5) A member of either House may resign his seat by giving notice of resignation to the person and in the manner directed by standing orders of the House, or if there is no such direction, by notice in writing of resignation sent to the Lord Lieutenant, and his seat shall become vacant on notice of resignation being given.

35

(6) The powers of either House shall not be affected by any vacancy therein, or by any defect in the nomination, election, or qualification, of any member thereof.

40



12. The Sub-section respecting the "powers," &c., of members of the Irish Parliament is usual.

The following are disqualified for the "Commons House of Parliament of the United Kingdom":—

Infants.	Persons guilty of corrupt practices at a Parliamentary election.
Lunatics or Idiots.	Aliens.
Clergy of the Roman Catholic Church.	Clergy.
Judges.	Ministers of the Church of Scotland.
Holder of certain offices. ( <i>See list in "Anson's Law and Custom of the Constitution."</i> )	Returning Officers for the places where they are to cause an election to be made.
Pensioners of the Crown (but not Civil Service and Diplomatic Pensioners).	Government Contractors.
Bankrupts.	Persons convicted of treason or felony, and not pardoned, or not having served term of punishment.

Peerage is a disqualification for the House of Commons at Westminster; but is not a disqualification for the Irish Parliament. (Sub-section 3.)

The present oath required of the House of Commons is as follows:—

"I ——— do swear that I will be faithful and bear true allegiance to His Majesty King George, his heirs and successors, according to law. So help me God."

(4) This provision giving Irish Ministers the right to speak in both Houses is not uncommon in colonial and foreign constitutions.

(7) The provision requires re-election on appointment to the Ministry unless the new post be in succession to a Ministerial post. There is considerable feeling against compulsory re-election on appointment to the Ministry; and proposals have been made at Westminster for abolishing the practice of re-election.

No provision is inserted in respect of the payment of members, the decision being left to the Irish Parliament.

(7) His Majesty may by Order in Council declare that the holders of the offices in the Irish Executive named in the Order shall not be disqualified for being members of either House of the Irish Parliament by reason of holding office under the Crown, and except as otherwise provided by Irish Act, the Order shall have effect as if it were enacted in this Act, but on acceptance of any such office the seat of any such person in the Irish House of Commons shall be vacated unless he has accepted the office in succession to some other of the said offices. 5

*Irish Representation in the House of Commons.* 10

Representa-  
tion of  
Ireland in  
the House of  
Commons of  
the United  
Kingdom.

13. Unless and until the Parliament of the United Kingdom otherwise determine, the following provisions shall have effect :—

(1) After the appointed day the number of members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom shall be forty-two and the constituencies returning those members shall (in lieu of the existing constituencies) be the constituencies named in the second Part of the First Schedule to this Act, and no University in Ireland shall return a member to the Parliament of the United Kingdom. 15 20

(2) The election laws and the laws relating to the qualification of parliamentary electors shall not, so far as they relate to elections of members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom, be altered by the Irish Parliament, but this enactment shall not prevent the Irish Parliament from dealing with any officers concerned with the issue of writs of election, and if any officers are so dealt with, it shall be lawful for His Majesty by Order in Council to arrange for the issue of any such writs, and the writs issued in pursuance of the Order shall be of the same effect as if issued in manner heretofore accustomed. 25 30

*Finance.* \*

Irish  
revenue and  
expenditure.

14. (1) There shall be an Irish Exchequer and an Irish Consolidated Fund separate from those of the United Kingdom. 35

(2) The proceeds of all taxes levied in Ireland, whether under the authority of the Parliament of the United Kingdom or of the Irish Parliament, shall be paid into the Exchequer of the United Kingdom, but subject as herein-after provided, there shall be charged on and paid out of the Consolidated Fund of 40

## Notes to Clauses.

**13.** The clause provides for Irish representation in the Imperial Parliament after the Act is in force.

The election laws and the franchise laws for the election of Irish representatives at Westminster will be those of the United Kingdom and not those of the Irish Parliament.

The present representation at Westminster of Ireland is 103. It was fixed by the Act of Union at 100; was increased in 1832 to 105; and decreased to 103 in 1885.

The 103 members comprise:—

Counties	...	...	...	...	85
Boroughs	...	...	...	...	16
Universities	...	...	...	...	2
					103

By this clause they are fixed at 42—a member for every 100,000 of the population, divided as follows:—

Counties	...	...	...	...	34
Boroughs	...	...	...	...	8
					42

There will be no University representation. The constituencies are enumerated in Schedule 2.

Of this number, Mr. Asquith estimates that 34 will be Nationalists and 8 Unionists. (Parl. Deb., April 11th, Col. 1418.)

The Home Rule Bill of 1886 provided no Irish representation at Westminster.

The Bill of 1893 provided for 80 as follows:—

Counties	...	...	...	...	64
Boroughs	...	...	...	...	16
					80

No change is made in the number of Irish representative peers. The Bill of 1886 turned them out of the Irish House of Lords; that of 1893 left them untouched.

The 42 Irish representatives at Westminster will *sit and vote for all purposes*, as the 80 representatives were to sit and vote in the amended Home Rule Bill of 1893.

Mr. Asquith claims that the reduction of Irish members to 42 makes the question of their interference in English and Scottish affairs of “much less practical importance.” (Parl. Deb., April 11th, cols. 1418-9). But it is not established by Parliamentary history, to whatever extent it may hold in respect of the last 25 years, when majorities have been large except for the period 1892-95.

There is no right to assume that majorities at Westminster may not again be small.

It should be noticed that the 42 Irish members at Westminster will be increased whenever the financial provisions of the Act require revision by a delegation of members of the Irish House of Commons. The delegation will be of such numbers as will make, with the 42 Irish representatives already there, an Irish representation equivalent to the representation of the United Kingdom on a basis of population. (Clause 26 (3).)

*the United Kingdom or the growing produce thereof in each year to the Irish Exchequer a sum (in this Act referred to as "the Transferred Sum ") consisting of—*

- (a) *Such sum as may be determined by the Joint Exchequer Board established under this Act (herein-after referred to as the Joint Exchequer Board) to represent the net cost to the Exchequer of the United Kingdom at the time of the passing of this Act of Irish services ; and* 5
- (b) *A sum of five hundred thousand pounds, diminishing in each year after the third year of payment by the sum of fifty thousand pounds until it is reduced to the sum of two hundred thousand pounds : and* 10
- (c) *A sum equal to the proceeds as determined by the Joint Exchequer Board of any Irish taxes imposed in Ireland by the Irish Parliament under the powers given to them by this Act.* 15

(3) Provision shall be made by the Irish Parliament for the cost of Irish services within the meaning of this Act, and any charge on the Consolidated Fund of the United Kingdom for those services, including any charge for the benefit of the Local Taxation (Ireland) Account, or any grant or contribution out of moneys provided by the Parliament of the United Kingdom so far as made for those services shall cease, and money for loans in Ireland shall cease to be advanced either by the Public Works Loans Commissioners or out of the Local Loans Fund. 20 25

14. (1) This provision of a separate Irish Exchequer and Consolidated Fund follows the Bill of 1893. In the Bill of 1886, Section 12 (2) set up an Irish Consolidated Fund only.

(2) The scheme of the Bill is to provide for the payment into the Imperial Exchequer of the proceeds of all *taxes* (*i.e.*, not postal revenues, Crown lands, monopoly revenues, &c.), and out of this there must be paid the full transferred sum without any deductions for cost of collection even of Irish taxes. The words "subject as hereinafter provided" refer to the various charges on the transferred sum (*e.g.*, pensions to civil servants, arrears of land purchase annuities, loss on flotation of Irish Land Stock, &c.), by which the amount actually paid to the Joint Exchequer Board is to be diminished. The effect of the words "paid out of the Consolidated Fund" is to withdraw the control of this payment from Parliament, whose only occasions for discussing the question would be (1) the Imperial Finance Bill and (2) the Consolidated Fund Bill.

*The Transferred Sum.*—At the beginning the transferred sum is practically the cost of the transferred services, *plus* the loss on postal services in Ireland, *plus* a cash grant of £500,000. The amount of the transferred sum in 1912–13 is thus estimated by the Treasury (Cd. 6154) :—

Transferred services .. .. .	£5,462,000
Post Office deficit .. .. .	246,000
Cash grant .. .. .	500,000
	<hr/>
	6,208,000
 Less collected by Irish Exchequer on account of Fee Stamps .. .. .	 81,000
	<hr/>
Transferred sum .. .. .	<u>£6,127,000</u>

This sum is to be increased in later years as follows :—

- (a) By transfer, after six years, of the Constabulary.
- (b) By transfer, at option of Irish Parliament, of transferable services initially reserved, *e.g.*, old age pensions, insurance, &c.
- (c) By the proceeds of taxes imposed by Irish Act.

At the same time the transferred sum is subject to reduction on account of any diminution in the proceeds of Imperial taxes in Ireland arising from their reduction, discontinuance or modification by Irish Act, and also by the reduction of the cash grant after three years.

It is important and necessary to distinguish between transferred sum and the sum actually transferred to the Joint Exchequer Board, in the first instance, and to the Irish Exchequer. The Treasury will deduct, from the transferred sum, the following items :—

- (1) Any charges which under the Land Purchase Acts, such as loss in flotation of land stock, arrears in annuities, &c., fall now on the Guarantee Fund (Clause 18).
- (2) Any deficit arising out of the management of the Irish Church Temporalities Fund (Clause 20).
- (3) Irish share (£5,000) of Lord Lieutenant's salary (Clause 23).
- (4) Salaries and pensions of all existing judges and established Irish civil servants (Clause 32).
- (5) Superannuation and other allowances to all unestablished Irish civil servants at the time of the passing of the Act (Clause 33).
- (6) Pensions to Constabulary, even after transfer (Clauses 35 & 37) (4).

The aggregate of these charges must be very considerable, and the amount paid over to the Joint Exchequer Board must be, therefore, correspondingly diminished.

Powers of  
Irish Parlia-  
ment with  
respect to  
taxation.

**15.** (1) The Irish Parliament shall have power to vary (either by way of addition, reduction, or discontinuance) any Imperial tax so far as respects the levy of that tax in Ireland, and to impose in Ireland any independent tax not being in the opinion of the Joint Exchequer Board substantially the same in character as an Imperial tax, subject to the following limita-  
tions :—

- (a) The Irish Parliament shall not have power to impose or charge a Customs duty, whether an import or an export duty, on any article unless that article is for the time being liable to a Customs duty levied as an Imperial tax ; and
- (b) The benefit to accrue to the Irish Exchequer from any addition to any Customs duty levied as an Imperial tax (other than a Customs duty on beer

CLAUSE 14—*continued*.

This reduced sum will initially be paid over to the Irish Exchequer by the Joint Exchequer Board. If and when any loan is raised by the Irish Government on the security of the transferred sum, the Board may reduce this sum still further by the cost (interest, sinking fund and management) of the service of this Irish Department.

When the balance of the transferred sum reaches the Irish Treasury, the Irish Parliament must provide out of this fund for those payments for Irish services previously paid out of the Consolidated Fund of the United Kingdom. These include the Local Taxation Grants in Aid, the Ireland Development Grant, &c.

It should be further noted that there is no catalogue of Irish services in the present Bill, and in general there is no necessity for the Irish Government to continue those services on account of which payment is included in the transferred sum. There is nothing in the Bill corresponding to the third schedule of the Bill of 1893, which set out the items of Imperial Expenditure and by implication defined Irish expenditure. The necessity for such a schedule in the present Bill is evident from the fact that whereas in 1893, savings banks and friendly societies were included under Imperial services, they are in the present Bill regarded as Irish services, initially reserved but which may be transferred to the Irish Parliament. There is also no check on the powers of the Irish Government to discontinue or curtail the services in respect to which a full payment is received from the Imperial Exchequer.

15. (1), *L.* 30. "Any independent tax not being in the opinion of the Joint Exchequer Board substantially the same in character as an Imperial tax." This power must lead to much friction between the two Parliaments and the Exchequer Board. "Independent tax" clearly means any tax which cannot be derived by mere addition to or reduction of an Imperial tax. These "independent taxes" are next limited to such as are not "substantially the same in character as an Imperial tax." The qualifying words "in character" and "substantially" are much too vague and indefinite to lead to any precise interpretation. Are all food taxes the "same in character"? Their incidence is much the same, at any rate. Is a licence duty the same in character as a beer and spirit duty? In conceivable cases the incidence of two classes of duty might be identical. Is a business tax, such as exists in many countries, the "same in character" as an income tax on profits? The ingenuity of the Irish Chancellor of the Exchequer will be constantly exercised to discover duties he believes not the same in character as an Imperial tax. Before it is imposed, and presumably after it has been introduced into the Irish House of Commons, the Joint Exchequer Board will be called on to certify that the proposed tax is not the same in character, or not substantially the same in character as an existing Imperial tax. What is to be the principle guiding them to a decision? Is it to be that the incidence must be substantially different, or that the revenue from Imperial taxes is not to be prejudiced by the Irish tax?

(1) (a) This paragraph limits the power of the Irish Parliament in respect of Customs duties to varying the rates on articles "for the time being" liable to an Imperial Customs duty. They can raise, reduce or discontinue an Imperial Customs duty; but as soon as that duty is discontinued by Imperial Act, the Irish Parliament would have no power to continue or to reimpose this duty.

Another effect of this paragraph is to tie the Irish Parliament to the same interpretation of the policy of "customs for revenue only" as

or spirits). or to any duty of income tax so levied, or to any death duty so levied, shall be limited as in this Act provided ; and

(c) The power of the Irish Parliament to vary an Imperial tax shall not be exercised with respect to the stamp duties mentioned in the Second Schedule to this Act ; and 5

(d) The Irish Parliament shall not, in the exercise of their powers of taxation under this provision, make any variation of Customs or Excise duties the effect of which will be to cause the Customs duty on an article of a class produced, prepared, or manufactured in Ireland, to exceed the Excise duty by more than an amount reasonably sufficient to cover any expenses due to Excise restrictions ; 15

and the power of the Irish Parliament to make laws includes a power to make laws for the purpose of giving effect to their powers of taxation under this provision.

(2) For the purposes of this Act—

(a) The expression “ Imperial tax ” means any tax charged for the time being in Ireland under the authority of the Parliament of the United Kingdom, and includes a tax which has been discontinued under the powers given by this section to the Irish Parliament, but which would have been so charged but for the discontinuance ; 20 25

(b) The expression “ Irish tax ” means any tax charged under the authority of the Irish Parliament, either by way of an addition to an Imperial tax or as an independent tax. 30

Relations  
between  
Great  
Britain and  
Ireland as  
respects  
Customs  
and Excise  
duties.  
39 & 40 Vict.  
c. 36 ;  
9 Edw. 7.  
c. 43.

16. (1) Any articles which are brought into Great Britain from Ireland or into Ireland from Great Britain shall be deemed to be articles exported or imported for the purposes of information to be furnished under the Customs Consolidation Act, 1876, and section four of the Revenue Act, 1909, and for the purpose of any duty or drawback payable in the circumstances for which provision is made under this section, but not for any other purpose. 35

(2) Where a Customs duty is levied in one country and not in the other, or is levied in both countries but at a higher rate in the one country than in the other, duty shall be charged and 40



CLAUSE 15—*continued.*

may be regarded suited to the conditions of Great Britain. They could not put duties on corn, timber, meat, dairy produce even to a non-protective or merely revenue-producing level: but as soon as these duties are imposed by the Imperial Parliament it would be possible for the Irish Parliament to increase the rates.

It is clearly the main purpose of this paragraph to prevent the re-creation of Customs barriers after they have been removed by the British Parliament.

(1) (b) The words "limited as in this Act provided" refers to the special provision of Clause 17 (3). Generally it may be said that having secured by this clause that the Customs duties which might be imposed in Ireland shall not be protective, there is no logical ground for limiting the possible increase to a 10 per cent. yield. If the Irish Parliament should regard a 20 per cent. increase in tea or sugar duties favourably, why should they be prevented from doing so? They can injure no British interest.

(1) (d) This paragraph prohibits the adoption of a protective tariff system in Ireland. Where the duty on an article subject to both Customs and Excise duties is varied by Irish Act, the difference between the Customs and Excise rates is limited to the "reasonably sufficient" allowance of the cost to which the manufacturer is subjected by the excise regulations. This is, of course, the system at present in force in the United Kingdom: but the paragraph is rigid in its application and would restrict the Irish Parliament from abandoning the Free Trade tariff system even if the Imperial Parliament should abandon it for Great Britain. This was admitted by Mr. Lloyd George in his reply to a question by Mr. Hewins. The words "reasonably sufficient" are again indefinite. Legitimate differences of opinion may easily be held. Such differences of opinion are even now held in some quarters regarding the excess of 4d. per gallon in the Customs over the Excise duty on spirits. Further, who is to determine whether a given excess of Customs duty is reasonably sufficient or not? Is it the British Treasury or the Irish Treasury? Is the decision to be based on British or Irish experience? And if the Joint Exchequer Board are to decide, on what principle must they reach their decision?

16. (1) The words "brought into" are used in this section instead of "imported into," because imports and exports have definite significations and legally apply only to goods coming from or destined for countries outside the United Kingdom. The existing law relating to the collection of information as to imports and exports, and as to the payment of customs and drawbacks is, by this sub-section, applied to goods passing between Great Britain and Ireland. Sugar passing from Glasgow to Dublin, or tobacco from Belfast to Liverpool will be subjected to all the difficulties of the existing law as they would apply if these goods came direct from Germany or the United States. If a drawback is payable, the drawback will have to be claimed before the consignment leaves the first port. If a Customs duty is payable, the Customs duty will have to be paid again on reaching the second port. As some time may elapse before the drawback due and claimed at the first port is paid, the merchant or broker may find he has to submit three statements or particulars and lock up capital equal to the duty. For example, in the case of every ton of sugar entering London he would pay 36s. 8d. duty and fill up the import forms. On despatching to an Irish port he would claim drawback and fill up a drawback claim. On reaching an Irish port he would again pay 36s. 8d.

drawback allowed in respect of articles being articles produced, prepared, or manufactured abroad as follows :—

(a) *The Customs duty shall be charged on any such articles brought into the one country from the other country as if they were articles imported from abroad, except that in the case of articles produced abroad but manufactured or prepared in the country from which they are sent, the Customs duty charged shall, if the drawback which would be allowed on the exportation of similar articles from the country into which the articles are brought is less than the duty payable on importation, be a duty equal to the drawback : and* 5 10

(b) A drawback shall be allowed on any such articles sent from the one country into the other equal to the drawback which would be allowed upon the exportation of the articles from the country from which they are sent. 15

(3) Where an Excise duty is levied in one country and not in the other, or is levied in both countries but at a higher rate in the one country than in the other, duty shall be charged and drawback allowed in respect of articles being articles produced, prepared, or manufactured in either country as follows :— 20

(a) *A Customs duty shall be charged on any such articles brought into the one country from the other country as if they were articles imported from abroad, equal to the amount of the Excise duty levied in the country into which they are brought : and* 25

(b) A drawback shall be allowed on any such articles sent from the one country into the other equal to the amount of the Excise duty levied in the country from which they are sent. 30

(4) The proceeds of any Customs duty charged under this section in Ireland on any article shall to the extent to which they exceed the proceeds of the Customs or Excise duty which would have been charged on the article in Great Britain be deemed to be the proceeds of a Customs duty levied as an Irish tax, if the duty is charged in respect of a difference of Customs duties, and be deemed to be the proceeds of an Excise duty levied as an Irish tax if the duty is charged in respect of a difference of Excise duties, and as to the balance be deemed to be the proceeds of an Imperial tax. 35 40

## Notes to Clauses.

### CLAUSE 16—*continued.*

or such other sum as may have been fixed by Irish Parliament and a further form would have to be filled up.

(2) The working of this sub-section was explained by the Prime Minister on May 9th in reply to a question by Mr. G. Touche, by the following concrete example :—

I will select tobacco which is imported in the raw leaf from abroad and manufactured in the United Kingdom, and will assume that the tobacco duties and drawbacks in Ireland are reduced to the rates prevailing before the 1909 Budget, while remaining as at present in Great Britain. The principal duties and drawbacks would then be as follows :—

—	Ireland.	Great Britain.
IMPORT DUTIES—	s. d.	s. d.
Raw Leaf (unstripped) ... ..	3 0	3 8
Foreign cigars ... ..	6 0	7 0
Foreign cigarettes ... ..	4 10	5 8
Other foreign manufactured tobacco	3 10	4 8
DRAWBACKS ON TOBACCO MANUFACTURED IN THE UNITED KINGDOM :		
Cigars ... ..	3 5	4 2
Cigarettes ... ..	3 4	4 1
Other manufactured tobacco ...	3 3	4 0

These rates of drawback are allowed on tobacco containing 14 per cent. of moisture, and are increased or lowered proportionately if the tobacco contains less or more than 14 per cent. It is assumed for the purposes of this answer that the tobacco contains 14 per cent. of moisture. In the circumstances assumed, cigars, cigarettes and other tobacco if manufactured in Great Britain and brought to Ireland would, under Clause 16 (2) (b) receive drawback on being sent from Great Britain, of 4s. 2d., 4s. 1d., and 4s. per pound respectively, and would, under Clause 16 (2) (a) be charged, on being brought into Ireland, a Customs Duty of 3s. 5d., 3s. 4d., and 3s. 3d. If manufactured in Ireland and brought to Great Britain they would, under Clause 16 (2) (b), receive a drawback on being sent from Ireland of 3s. 5d., 3s. 4d., and 3s. 3d. per pound, respectively, and would be charged on being brought into Great Britain a Customs Duty of 4s. 2d., 4s. 1d., and 4s. per pound respectively.

The case chosen is one in which the drawback is less than the import duty. The following transactions occur under the sub-section. The tobacco (raw) on importation into Great Britain would pay duty of 3s. 8d. a pound. On being manufactured into (say) cigarettes and sent to Ireland, a drawback of 4s. 1d. a pound will be due. If the duties in Ireland are the same as before the 1909 Budget, the duty chargeable on bringing these cigarettes into the country will be the same as the drawback payable on exporting similar cigarettes for Ireland, *i.e.*, 3s. 4d. a pound. There will thus be three sets of declarations, three sets of examination of goods, three financial transactions, two payments of duty and one refund.

It is not clear what is to be the machinery in the event of duties being the same in both countries; or, as appears not impossible—seeing that the drawbacks may be calculated by the Irish Treasury on a different basis from that adopted by the British Treasury—the drawbacks being fixed at a different level, while the import duties are the same. Thus it might readily happen that the estimate of an Irish Treasury as to the drawback on cigars appropriate to a given import duty on tobacco might differ from that of the Imperial Treasury. If it is contemplated that where, however, the duties and drawbacks in the two countries are identical the payment of import duty in one country shall be a quit-tance of further liability in the second country, why should not a similar arrangement hold where the duties are different. In the foregoing case



## Notes to Clauses.

### CLAUSE 16—continued.

quoted by the Prime Minister, if raw leaf tobacco is sent from Ireland to England, the English Importer should only be called on to find the additional 8d. a pound; and contrariwise the Irish Importer should be permitted to claim a refund of 8d. a pound.

Consider also the case where, under the Government scheme, the duties being the same are suddenly varied by the Irish Budget. Immediately on the passing of the empowering resolutions, instructions would have to be given to the Imperial officers to collect duties where such collection was not previously necessary. New bonding and warehousing arrangements would have to be suddenly improvised by the Imperial Government as responsible for the collection of revenue.

(3) This sub-section is differentiated from the immediately preceding one by its reference in the first case to goods "produced, prepared or manufactured abroad," and in the second case to goods "produced, prepared or manufactured in either country." In the second case the Import duty into either country is equal to the Excise duty or drawback in that country. Thus the Import duty on foreign spirits into Great Britain would be 15s. 1d. per gallon, but on Irish spirits it would be equal to 14s. 9d., that being the Excise and drawback rates.

(4) The exact interpretation of this sub-section is difficult and important. The Postmaster-General and Mr. A. Chamberlain have already given it different renderings. Its importance rests on the fact that according to its interpretation the amount of the Transferred Sum will be ultimately decided. In the last resort the question to be determined is whether for every unit on which the duty is collected the shares due respectively to Irish and British taxes are to be allotted; or whether regard is to be had to the total proceeds of Imperial taxes in Ireland, and this sum to be taken as a first charge on the proceeds of the double tax. Suppose 240 lbs. of tea to be imported when the duty is 5d. and 220 lbs. when the duty is 6d. The proceeds of the Imperial tax when there was no Irish duty would be £5. When the additional duty of 1d. was imposed the respective proceeds of the Imperial and Irish taxes would be as follows on each of the two hypotheses:

	Imperial.			Irish.			Total.			
	£	s.	d.		s.	d.	£	s.	d.	
Hypothesis (1) .. ..	4	13	4	..	16	8	..	5	10	0
.. (2) .. ..	5	0	0	..	10	0	..	5	10	0

In the former case the Imperial Exchequer would lose 6s. 8d. by reason of the Irish duty; in the second case the Irish Exchequer would gain only 10s. from a 20 per cent. increase of duty. The hardship to the Irish Exchequer is the greater because, as has been pointed out by Mr. Steel Maitland in the *National Review* (June, 1912), the Irish consumer who is driven from tea may take to coffee, cocoa, or other dutiable beverage for the increased consumption of which only the Imperial Exchequer, and not at all the Irish Exchequer, will benefit. On the first hypothesis a further difficulty will arise in the determination of the consumption of any dutiable commodity if the tax had not been varied by Irish Act.

(5) Nothing in this section shall affect any enactment under which articles deposited in a bonded warehouse without payment of duty may be transferred from one country to the other country.

Supple-  
mental pro-  
visions as to  
Transferred  
Sum and  
Irish  
revenue.

17. (1) The Transferred Sum shall be paid to the Irish Exchequer at such times and in such manner and according to such regulations as the Joint Exchequer Board may direct. 5

(2) In the event of the reduction or discontinuance of any Imperial tax by the Irish Parliament, the Transferred Sum shall be reduced in each financial year by such sum as may be determined by the Joint Exchequer Board to represent the amount by which the proceeds of the tax are diminished in that year in consequence of the reduction or discontinuance. 10

(3) If in any financial year the proceeds of any Irish tax imposed as an addition to any Customs duty levied as an Imperial tax (other than a Customs duty on beer or spirits), or to any duty of Income Tax so levied, or to any death duty so levied, exceed *one-tenth* of the proceeds in Ireland of that duty as levied as an Imperial tax for the same period, the amount of the excess shall not be treated for the purposes of this Act as part of the proceeds of the Irish tax, and the amount payable to the Irish Exchequer in respect of the proceeds of the Irish tax shall be reduced accordingly. 15 20

Provided that—

(a) For the purposes of this provision, the proceeds of any tax shall be deemed to be the proceeds as determined by the Joint Exchequer Board: and 25

(b) The foregoing provision shall not apply in cases where the excess is solely due to the reduction of the rate of the Imperial tax. 30

(4) *When any reserved service is transferred from the Government of the United Kingdom to the Government of Ireland, the Transferred Sum shall be increased by such sum as may be determined by the Joint Exchequer Board to represent the equivalent of any saving to the Exchequer of the United Kingdom by reason of the transfer, and in determining that equivalent regard shall be had to the prospect of any increase or decrease in the cost of that service which may be expected to arise from causes not being matters of administration.* 35

The sum by which the Transferred Sum is to be increased in pursuance of this provision may be fixed by the Joint Exchequer Board so as to vary during the first ten years after the transfer, but subject thereto shall be a definite sum. 40

17. (2). The Transferred Sum is diminished only when the proceeds of the tax are diminished in consequence of the reduction or discontinuance of the Imperial tax by Irish Act. Where the yield of a tax is variable, it must be difficult to determine to the satisfaction of all parties what the yield would have been if the original tax had been in full force. And this difficulty must grow greater with time. After ten years the probable error will be considerable and yet the loss of revenue must be determined for "each financial year."

(3) This is the provision referred to in 15 (1) (b) limiting the power of the Irish Parliament to increase rates of taxation. The limit is fixed by yield and not by rate. And the limit is fixed so that the Irish Exchequer cannot benefit to the extent of more than 10 per cent of the yield, as an Imperial tax. Regarded solely from the point of view of revenue this provision would check any tendency on the part of the Irish Parliament to raise the duties beyond the point requisite to increase the yield by 10 per cent. There is, however, the difficulty that it is impossible to know in advance what increase in the rate of duty will produce not more than 10 per cent. increase of yield.

If, however, the object of the Irish Parliament were not a desire to produce revenue, but to foster Irish industries, this provision will effectively permit it. For example, if the Irish Parliament desired to foster a sugar industry in Ireland it would be necessary only to raise the Customs duty on sugar to a high level, and thus to cut down or almost to prohibit imports. There is no Excise duty on sugar, but the Brussels Convention would presumably extend to Ireland. A high Customs duty would, therefore, require the imposition of a correspondingly high Excise duty by 15 (1) (d). But there is nothing in the Bill, as has been pointed out by Mr. Hewins and Mr. Amery and admitted by Mr. Lloyd George and Mr. Herbert Samuel, to prevent a bounty being given to the Irish grower of sugar which would in effect completely compensate him for the Excise duty paid. The Transferred Sum would not be affected by this provision, seeing that the Bill does not require a deduction to be made where an increase of duty should produce a reduction of revenue. By this device, and limited only by the power of raising the necessary funds—a limitation which is not generally in the way of other countries who desire to give bounties to native industries—it would be possible to foster and protect effectually any Irish industry.

Charge on  
Transferred  
Sum of sums  
charged on  
the Guar-  
antee Fund.

18. The charge on the Guarantee Fund under the Irish Land Purchase Acts in respect of—

- (1) Sums which, owing to the deficiency of the Irish Land Purchase Account, are paid out of the Consolidated Fund on account of the dividends and sinking fund payments of Irish guaranteed land stock under section one of the Purchase of Land (Ireland) Act, 1891 ; and 5
- (2) Sums which, owing to the deficiency of the income of the Irish Land Purchase Fund, are paid out of the Consolidated Fund on account of the dividends on stock under section twenty-nine of the Irish Land Act, 1903 ; 10

54 & 55 Vict.  
c. 48.

3 Edw. 7.  
c. 37.

- (3) Arrears of annual payments under sub-section (4) of section thirty-six of the Irish Land Act, 1903 ;

shall cease, and any such sums or arrears which would under the Irish Land Purchase Acts have been made good out of the Guarantee Fund, shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury. 15

Develop-  
ment fund  
and road im-  
provement  
grant.  
9 Edw. 7.  
c. 47.

19. (1) Nothing in this Act shall affect the powers of the Development Commissioners or the Road Board with respect to Ireland under the Development and Road Improvement Funds Act, 1909, and for the purposes of that Act any Irish department shall be deemed to be a Government department within the meaning of that Act. 20 25

10 Edw. 7.  
c. 8.

(2) So long as a sum equal to the net proceeds of the duties on motor spirits and the net proceeds of the duties on licences for motor cars levied in Ireland is paid as part of the road improvement grant under section ninety of the Finance (1909-10) Act, 1910, the proceeds of those duties shall not be treated for the purposes of the financial provisions of this Act as the proceeds of an Imperial tax levied in Ireland. 30

Irish Church  
Fund.

20. (1) The Irish Church Temporalities Fund shall belong to the Irish Government and be managed, administered, and disposed of as directed by Irish Act : 35

Provided that all existing charges on that fund guaranteed by the Treasury shall, if and so far as not paid, be paid out of the Exchequer of the United Kingdom, and be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury. 40



## Notes to Clauses.

**18.** The Guarantee Fund was originally established under the Land Act of 1891 to meet any insufficiency of funds in the Land Purchase Account to pay the interest and sinking fund on the Land Stock. By the Land Act, 1903, the Guarantee Fund was utilised to provide for charges incidental to the working of the Land Purchase Fund (Incidental charges), and for discount on stock when issued below par (Excess Stock). The Fund was reconstituted to meet the additional requirements, and was divided into the cash portion and the contingent portion. The cash portion was composed of:—

	£
(1) Irish Development Grant. The grant amounts to £185,000; but there are charges on it amounting to £25,000 a year, leaving ..	160,000
(2) Death Duty Grant. Under Finance Act, 1894, Section 19, about .. .. .	284,000
(3) Agricultural Grant. Under Local Government Act, 1898, about .. .. .	727,000
(4) Exchequer Contribution. Paid from Consolidated Fund to Local Taxation (Ireland) Account .. .. .	40,000
	£1,211,000

The contingent portion was made up of Customs and Excise Duties paid (a) to the Department of Agriculture, (b) for intermediate education; contribution in lieu of rates on Government property; grant for Model and National Schools; grant for Industrial Schools; payments under Local Government (Ireland) Act, 1898, to Irish Local Taxation Account; grant to Department of Agriculture of £70,000 out of Church Temporalities Fund. By the Land Act of 1909 the Guarantee Fund was relieved of the charge for Excess Stock when the Development Grant was exhausted.

**19.** (1) The work of the Development Commission and of the Road Board in Ireland might be regarded as peculiarly Irish and capable of local management and control. This sub-section deprives Ireland of Home Rule in these matters. Possibly the reason which will be given for this course is that funds have been accumulated, in which Ireland ought to participate, but which has not as yet been expended. On 31st March, 1911, the fund at the disposal of the Development Commission was £888,000, and at the present time it is probably considerably larger. The reasonable course would be to hand over a share of the funds available on the appointed day to the Irish Parliament and cut Ireland out of the Development and Road Improvements Act. Indiscriminate expenditure out of an Imperial Fund, even after Home Rule is operative, is indefensible.

(2) The motor spirit and motor licence duties are parts of the fund of the Development Commission and Road Board. The effect of not regarding the proceeds of these duties as the "proceeds of an Imperial tax levied in Ireland" is to prevent the Irish Parliament from modifying them in any way. It would be much better if the Irish proceeds were to be handed over to an Irish Development Commission and Road Board as soon as constituted by Irish Act.

**20.** (1) The accounts of the Irish Church Temporalities Fund are published as an Annual White Paper, (*c.g.*, 324 of 1911). This shows that

44 & 45 Vict.  
c. 71.

(2) The Irish Church Temporalities Fund means the fund under the control of the Land Commission by virtue of the Irish Church Act Amendment Act, 1881.

Supple-  
mental pro-  
visions as to  
Irish Ex-  
chequer  
and Con-  
solidated  
Fund.

21. (1) All sums paid into the Irish Exchequer shall form a Consolidated Fund, and be appropriated to the public service of Ireland by Irish Act, and shall not be applied for any purpose for which they are not so appropriated. 5

(2) Save as may be otherwise provided by Irish Act, the existing law relating to the Exchequer and Consolidated Fund of the United Kingdom shall apply with the necessary modifications to the Irish Exchequer and the Irish Consolidated Fund, and an officer shall be appointed by the Lord Lieutenant to be the Irish Comptroller and Auditor-General' 10

29 & 30 Vict.  
c. 39.

(3) Save as may be otherwise provided by Irish Act, the accounts of the Irish Consolidated Fund shall be audited as Appropriation Accounts, in manner provided by the Exchequer and Audit Departments Act, 1866, and any Act amending the same, by or under the direction of the Irish Comptroller and Auditor-General. 15

Joint  
Exchequer  
Board.

22. (1) For the purposes of the financial provisions of this Act there shall be established a Board to be called the Joint Exchequer Board, consisting of two members appointed by the Treasury and two members appointed by the Irish Treasury and a Chairman appointed by His Majesty. 20

(2) It shall be the duty of the Joint Exchequer Board to determine any matter which is to be determined by the Board under this Act, and also to determine any other matter in connection with the Transferred Sum, or Irish revenue or expenditure, or the cost of any reserved service, which may be referred to them for determination by the Treasury and the Irish Treasury jointly, and the decision of the Board on any matter which is to be determined by them shall be final and conclusive. 25 30

(3) Any vacancy arising in the office of a member of the Board, owing to the death, resignation, or incapacity of any member of the Board, shall be filled by the authority by whom the member whose place is vacant was appointed. 35

Charge of  
Irish  
Government  
loans on  
Transferred

23. (1) If provision is made by Irish Act for securing any loan raised by the Government of Ireland upon the Transferred Sum and for the payment of such part of the Transferred Sum as in the opinion of the Joint Exchequer Board may be required 40

## Notes to Clauses.

### CLAUSE 20—*continued*.

large sums are held by the Land Commission in respect of Church Temporalities in Ireland. It would seem that this sub-section would give large absolute powers to the Irish Parliament to dispose of these balances and assets. That power ought to be restricted so as to permit their employment only for clearly specified purposes.

21. (3) The object of this provision is to secure the same financial system in Ireland as now exists in the United Kingdom; the same method of voting supplies, of granting Ways and Means, of making issues to the departments, of auditing the accounts, and so on. There is no provision, however, for a separate Imperial audit—a matter which might be regarded as necessary in view of the interest of the Imperial Exchequer in securing that the deficit on Irish Services should be extinguished as early as possible, and a contribution to Imperial Services secured.

22. (1) The constitution of the Exchequer Board gives a permanent majority to British interests. The First Lord of the Treasury would nominate the two members appointed by the Treasury and, as Prime Minister, would be responsible for advising the King as to the appointment of chairman. A Board so formed must give a lasting pretext for the Irish Parliament to contest the decisions of the Board.

(2) The Exchequer Board can only act on a joint reference from the two Treasuries. It is conceivable that there may be occasions when these two authorities will be unable to agree on the reference. Provision should be made for this contingency. The absence of any appeals from their decisions is objectionable seeing that they have to decide on matters of opinion and principle as well as of fact.

The various duties which are thrown on the Board by this Bill are as follows :—

- (1) They must determine the cost of services transferred at the passing of the Act. (Clause 14 (2) (a).)
- (2) They must determine the proceeds of Irish taxes imposed by Irish Act. (Clause 14 (2) (c).)
- (3) They must decide whether any proposed Irish tax is substantially the same as an Imperial tax. (Clause 15 (1).)
- (4) They must estimate the reduction of Irish revenue, and therefore of the Transferred Sum, arising from the reduction or discontinuance of an Imperial tax in Ireland. (Clause 17 (2).)
- (5) They must decide whether the 10 per cent. limit yield from additional Irish taxes has been exceeded, and by how much. (Clause 17 (3).)
- (6) They must decide the increase of the Transferred Sum to accompany any transfer of a reserved service. (Clause 17 (4).)
- (7) The Board may manage any Irish debt arising from loans secured on the Transferred Sum. (Clause 23 (1).)
- (8) They must make estimates of "true" revenue.
- (9) They must report when, for three successive years Irish revenue has exceeded expenditure on Irish services. (Clause 26.)
- (10) They must direct the Treasury to pay cash into the Irish Treasury during transitional period. (Clause 43.)

Sum and  
management  
by Joint  
Exchequer  
Board.  $\frac{1}{2}$

for the services of the loan in each year direct to that Board, the Board may undertake on behalf of the Irish Government the issue and management of the loan and the application of the money paid to them for the services of the loan.

(2) Where provision is so made for the payment of a part of the Transferred Sum to the Joint Exchequer Board in connection with a loan the management of which is undertaken by the Board in accordance with this section, the Treasury shall cause the requisite part of the Transferred Sum to be paid to the Joint Exchequer Board instead of to the Irish Exchequer.

(3) The accounts of the Joint Exchequer Board in respect of any sums received by them under this section in connection with any loan shall be audited in the same manner as the accounts of the Irish Consolidated Fund are for the time being audited.

(4) Any stock or securities issued in respect of any loan raised by the Irish Government shall be deemed to be included amongst the securities in which a trustee may invest under the powers of the Trustee Act, 1893.

certain-  
ment of true  
Irish  
revenue.

24. In ascertaining for the purposes of this Act the proceeds in Ireland of any Imperial tax or of any Irish tax, the Joint Exchequer Board shall treat the proceeds collected in Ireland as the proceeds of the tax in Ireland, subject to such adjustments as the Board think equitable, with a view to attributing to Ireland any proceeds of taxes collected in Great Britain but properly attributable to Ireland, and to attributing to Great Britain any proceeds of taxes collected in Ireland but properly attributable to Great Britain, and with a view to meeting cases where the rate of a tax is, or other conditions affecting the charge of a tax are, different in Great Britain and Ireland.

Alteration of  
taxes to be  
treated as  
increases or  
reductions of  
taxes as the  
case may be.

25. For the purposes of this Act the withdrawal in whole or in part of an exemption from a tax shall be treated as the imposition of an addition to or as the increase of a tax, and the grant or extension of an exemption from a tax shall be treated as a reduction of a tax, and any other alteration of the provisions with respect to any tax in consequence of which the proceeds of the tax are increased or diminished shall be treated as an increase or reduction of the tax, as the case may be.

Revision of  
financial

26. (1) If it appears to the Joint Exchequer Board that during any three successive years *after the passing of this Act*,

24. This clause deals with the ascertainment of true revenue. The method described is that which the Treasury has regularly adopted since 1893, but which has been always contested by the Nationalist Party as presenting an understatement of the Irish contribution. It is necessary to define the principle more precisely if payments are to be made. If, for example, a man earns £2,000 at the English Bar and has property bringing £4,000 in Ireland, how are the proceeds of the Income Tax divided between the two countries. At the present rates the Income Tax on this person is £435. If the total tax is distributed in proportion to the Irish and British incomes the Irish proceeds would be £290 and the Imperial proceeds £145. But it is arguable that the whole of the tax is British, if the domicile is British, and in that case the whole of the proceeds would be Imperial. Or it may be argued that the Imperial proceeds is  $2,000 \times 9d.$  or £75, and that the balance of £360 is Irish. There are numerous other possible solutions, and the principle should be clearly defined here and not submitted for the decision of the Exchequer Board without any Statutory guidance.

25. This provision, though necessary on general grounds, might have curious consequences. It would prevent any reduction of the exemption limit of Income Tax below a point which would yield more than 10 per cent. additional revenue. It is constantly urged that the standard of living is much lower in Ireland. It follows that a £160 income in England probably corresponds to a £100 income in Ireland. Yet it would be impossible to apply the tax to those persons with incomes between £100 and £160, and to reduce the abatements on higher incomes by a corresponding amount.

26. If the object to be attained is to secure a contribution from Ireland to Imperial services as soon as the financial conditions of Ireland warrant it, there should be other tests open to the Exchequer Board than the mere equilibrium between Irish revenue and Irish expenditure for three years. For example, it would be possible for a balance to be indefinitely deferred by financing deficits in the Irish Budget by loans instead of ordinary taxation. Or when a balance has been secured in two consecutive years, a deficit might be budgeted for in third year.

It is not clear why a copy of the report should be laid before the Irish Parliament. It has no powers of intervention in the matter. Nor can it as a Parliament influence the revision. Those members who are summoned to attend the Imperial Parliament do so at the instance of His Majesty and not by direction of the Irish Parliament.

arrange-  
ments in  
certain  
events.

the aggregate of the total proceeds of Imperial taxes levied in Ireland as determined by the Board, and the total proceeds of Irish taxes as so determined, together with any share in any miscellaneous revenue of the United Kingdom to which the Joint Exchequer Board may consider Ireland to be entitled, 5  
exceeded in each of those years the amount of the Transferred Sum, together with the cost of any services which are for the time being reserved services, the Board shall present a report to that effect to the Treasury and to the Lord Lieutenant, and the Treasury and the Lord Lieutenant shall cause a copy of the 10  
report to be laid before the Parliament of the United Kingdom and the Irish Parliament respectively.

(2) The presentation of such a report shall be taken to be a ground for the revision by the Parliament of the United Kingdom of the financial provisions of this Act, with a view 15  
to securing a proper contribution from Irish revenues towards the common expenditure of the United Kingdom and extending the powers of the Irish Parliament and the Irish Government with respect to the imposition and collection of taxes.

(3) For the purpose of revising the financial provisions of 20  
this Act in pursuance of this section, there shall be summoned to the Commons House of Parliament of the United Kingdom such number of members of the Irish House of Commons as will make the representation of Ireland in the Commons House of Parliament of the United Kingdom equivalent to the repre- 25  
sentation of Great Britain on the basis of population; and the members of the Irish House of Commons so summoned shall be deemed to be members of the Commons House of Parliament of the United Kingdom for the purpose of any such revision. 30

His Majesty may by Order in Council make such provision for so summoning the members of the Irish House of Commons as His Majesty may think necessary or proper, and any provisions contained in any such Order in Council shall have the same effect as if they had been enacted in this Act. 35

*Provisions as to Judicial Power.*

Tenure of  
office by  
judges.

27. A judge of the Supreme Court or other superior court in Ireland, or of any county court or other court with a like jurisdiction in Ireland, appointed *after the passing of this Act*, shall be appointed by the Lord Lieutenant, and shall hold 40

CLAUSE 26—*continued*.

The provisions for summoning the Irish delegation are not contained in the Act, but are to be made by Order in Council.

On the present basis of population there would be a delegation of 23, making the Irish representation at Westminster for this purpose 65.

The sudden inclusion of 23 votes may make a considerable change in the Imperial Parliament. A Government holding office by a small majority might find itself in a minority for the particular purpose. Would it resign?

On the other hand, will Irish Nationalists agree to this reduction of their representation below the figure of the Act of Union? Under this clause there is a reversion to conditions before the Home Rule Act, and they have always maintained that the Act of Union was a treaty entitling Ireland to the full representation accorded her by that Act unless amended by the consent of both parties.

Besides, if equal justice is to be done, it is assumed that the representation of Great Britain at Westminster at the time is on a basis of population. It is not at present. It will not be unless there is a redistribution scheme immediately before the consideration of the Irish financial relations question at Westminster. No one could say that if the British representation at Westminster was to-day on a basis only of population the House of Commons would be composed as at present.

The provision leaving the summoning of the Irish delegation to an Order in Council requires considerable attention. Is only a number of Irish members of the House of Commons to be summoned? Are they each to be specified individually in the writs? If so, in what proportion? In proportion to their representation in the Irish House of Commons or in proportion to their representation at Westminster? The franchise for election to the Irish House of Commons and the Imperial House of Commons may be quite different, and the proportion of parties may also be different.

It should be noticed that Clause 39 of the Bill of 1886 made provision for summoning members of the Irish legislature to the Imperial Parliament for the amendment of the Home Rule Act under certain circumstances, but in this case the Irish members of both Chambers were summoned to the respective House of the Imperial Parliament, and in the case of the Lower Chamber the special representation was on the basis of constituencies and not merely the summoning of a certain number without indication of the constituencies or interests which the delegation represent. Except for this special representation for the particular purpose, Ireland returned no members by the Bill of 1886 to the Imperial Parliament.

27. At the Nationalist Convention, held in Dublin on April 23rd, 1912, Mr. Redmond congratulated the delegates on getting, amongst other things, the appointment of the Judges into their hands. He was referring to this section, which provides that all future Judges of the Supreme and other Courts in Ireland shall be appointed by the Lord Lieutenant, which means, of course, the Irish Executive. In handing over the whole Judicature of Ireland to the Irish Government, Mr. Asquith has gone further than Mr. Gladstone. Under the Gladstonian Bill of 1886 (Section 20) the Exchequer Division of the High Court of Justice in Ireland was to remain a Court of Exchequer for Revenue purposes, the Judges of which were to be appointed by the Sovereign on the joint recommendation of the Lord Lieutenant and the Lord Chancellor of England. There was a

his office by the same tenure as that by which the office is held at the time of the passing of this Act, with the substitution of an address from both Houses of the Irish Parliament for an address from both Houses of the Parliament of the United Kingdom, and during his continuance in office his salary shall not be diminished or his right to pension altered without his consent. 5

Irish  
appeals.

28. (1) The appeal from courts in Ireland to the House of Lords shall cease; and where any person would, but for this Act, have a right to appeal from any court in Ireland to the House of Lords, that person shall have the like right to appeal to His Majesty the King in Council; and all enactments relating to appeals to His Majesty the King in Council, and to the Judicial Committee of the Privy Council, shall apply accordingly. 10

39 & 40 Vict.  
c. 59.

(2) When the Judicial Committee sit for hearing any appeal from a court in Ireland in pursuance of any provisions of this Act, there shall be present not less than four Lords of Appeal, within the meaning of the Appellate Jurisdiction Act, 1876, and at least one member who is or has been a judge of the Supreme Court in Ireland. 15 20

(3) A rota of privy councillors to sit for hearing appeals from courts in Ireland shall be made annually by His Majesty in Council, and the privy councillors, or some of them, on that rota shall sit to hear the said appeals. A casual vacancy occurring in the rota during the year may be filled by Order in Council. 25

(4) Nothing in this Act shall affect the jurisdiction of the House of Lords to determine the claims to Irish peerages.

Special pro-  
vision for  
decision of  
constitu-  
tional ques-  
tions.

29. (1) If it appears to the Lord Lieutenant or a Secretary of State expedient in the public interest that steps shall be taken for the speedy determination of the question whether any Irish Act or any provision thereof, or any Irish Bill or any provision thereof, is beyond the powers of the Irish Parliament, he may represent the same to His Majesty in Council, and thereupon the said question shall be forthwith referred to and heard and determined by the Judicial Committee of the Privy Council, constituted as if hearing an appeal from a court in Ireland. 30 35

(2) Upon the hearing of the question such persons as seem to the Judicial Committee to be interested may be allowed to



CLAUSE 27—*continued.*

similar provision in the Bill of 1893. The Exchequer division had ceased to exist, but by Section 19 two of the Judges of the Supreme Court in Ireland were to be Exchequer Judges appointed under the Great Seal of the United Kingdom. It is curious to note that neither of Mr. Gladstone's Bills contains any statutory provision for the appointment of the other Judges in Ireland.

Inasmuch as the new Home Rule Bill is recommended on a pretence that it is to be part of a federal scheme for the British Isles, it is worth while considering how the question of the Judiciary has been dealt with in the Federal constitutions of our Colonies. The latest, and that most frequently referred to in discussing the present Bill, is the Union of South Africa. Under the Act of 1909, uniting the various British Colonies in South Africa, including the Transvaal and the Orange River Colony or Free State in a legislative union under the Crown of Great Britain and Ireland, all the Judges of the Supreme Court of South Africa with its *provincial and local divisions* are appointed by the Governor-General, acting with the advice of a Council unlimited in number and nominated by him, of whom not more than ten are to be Ministers of the Union. The provinces are not consulted in the matter, their "autonomy" indeed being hardly greater than that of an English County Council.

Again, in the case of the Dominion of Canada, we find that the power of appointing Judges is retained by the Federal Government. With the exception of the Judges of the Courts of Probate of Nova Scotia and New Brunswick, the Judges of the Superior, District, and County Courts in each province are appointed by the Governor-General of Canada in accordance with the constitutional Convention. Let us take Quebec as an example. The exclusive powers of the provincial legislature of Quebec, as indeed of all other provinces, are extremely wide. They include control of property and civil rights in the province, as well as the administration of justice and the constitution, maintenance and organisation of provincial Courts both of civil and criminal jurisdiction, and the procedure in civil matters in those Courts. Yet the Judges, though they must, on account of the peculiarities of the local law, be members of the Quebec Bar, are appointed by the Federal Government. The salaries of all these Judges, with the exception apparently of those of the Courts of Probate already mentioned, are paid and provided by the Parliament of Canada.

The framers of the constitution of the Commonwealth of Australia were confronted with the difficulty of uniting under one judicial system six independent States with fully organised judicial systems of their own. The Commonwealth of Australia Constitution Act of 1900 provides, however, for the creation of a Federal Supreme Court to be called the High Court of Australia, which is to act as a Supreme Court of Appeal for the Commonwealth. But, what is more important, the same section of the Act (Section 71) provides for the establishment of such other Federal Courts as the Parliament may create, and confers on Parliament the power of investing existing Courts with Federal Jurisdiction.

28. The section dealing with Appeals does not call for special comment. It is sufficient to say that the right of appeal to the House of Lords is taken away, and an appeal to the Judicial Committee of the Privy Council is given in its place.

29 and 30 of the Bill make provisions for the decision of constitutional questions. The former provides that if the Lord Lieutenant or Chief

appear and be heard as parties to the case, and the decision of the Judicial Committee shall be given in like manner as if it were the decision of an appeal, the nature of the report or recommendation to His Majesty being stated in open court.

(3) Nothing in this Act shall prejudice any other power of His Majesty in Council to refer any question to the Judicial Committee or the right of any person to petition His Majesty for such reference. 5

Appeal in cases where the validity of an Irish law is questioned.

30. (1) Where any decision of the Court of Appeal in Ireland involves the decision of any question as to the validity of any law made by the Irish Parliament, and the decision is not otherwise subject to an appeal to His Majesty the King in Council, an appeal shall lie to His Majesty the King in Council by virtue of this section, but only by leave of the Court of Appeal or His Majesty. 10 15

(2) Where any decision of a court in Ireland involves the decision of any question as to the validity of any law made by the Irish Parliament, and the decision is not subject to any appeal to the Court of Appeal in Ireland, an appeal shall lie to the Court of Appeal in Ireland by virtue of this section. 20

#### *Lord Lieutenant.*

Office of Lord Lieutenant.

31. (1) Notwithstanding anything to the contrary in any Act, every subject of His Majesty shall be qualified to hold the office of Lord Lieutenant of Ireland, without reference to his religious belief. 25

(2) The term of office of the Lord Lieutenant shall be six years, without prejudice to the power of His Majesty at any time to revoke the appointment.

(3) The salary and expenses of the Lord Lieutenant shall be paid out of moneys provided by the Parliament of the United Kingdom, but there shall be deducted from the Transferred Sum in each year, towards the payment of the Lord Lieutenant's salary, a sum of *five thousand pounds*. 30

#### *Provisions as to existing Judges and Irish Officers.*

Provisions as to existing judges and other persons

32. (1) All existing judges of the Supreme Court, and county court judges, and all existing Irish officers serving in an established capacity in the civil service of the Crown and receiving salaries charged on the Consolidated Fund of the 35

CLAUSES 29 AND 30—*continued*.

Secretary thinks it expedient to determine without delay whether any act is *ultra vires* or not, he may bring the point before the Judicial Committee of the Privy Council for determination, when persons interested may appear and be heard. Section 30 (1) gives a right of appeal to the Privy Council from any decision of the Court of Appeal involving any question as to the validity of an Irish Act, though such decision should not otherwise be subject to appeal, but only by leave of the Court of Appeal or of His Majesty. Section 30 (2) gives in similar circumstances a right of appeal from any decision of an Irish Court to the Court of Appeal.

**31.** Sub-section (1) removes the religious disqualification of the Lord Lieutenant. The matter has been before Parliament on other occasions.

Sub-section (2) makes the office non-political, as is the case with Colonial Governorships. The Lord Lieutenant will no longer be a member of the Imperial Ministry. He will also hold office for a fixed term of years, and will not go out with a change of Government at Westminster.

The salary of the Lord Lieutenant (£20,000 a year) has been the object of much criticism from Home Rulers. Their objections are met by the provision in the sub-section. So long as the salary remains at more than £5,000 a year, the Imperial Treasury finds the balance. The provision is remarkable since self-governing Colonies have not the salaries of their Governors found for them, though in the case of Lieutenant-Governors in Canada and provincial administrators in South Africa the central Parliament provides the salaries. The Lord Lieutenant is in neither one position nor the other; if he is to be regarded as the Governor of a self-governing State, Ireland should pay his salary; if a provincial or Lieutenant-Governor, £20,000 a year is certainly too large an amount.

There is no provision, as is usual, prohibiting an alteration of salary taking effect during the term of office of the then holder (*See Commonwealth of Australia Act, 1900, Clause 3; South Africa Act, 1909, Clause 10*).

**32.** This clause deals with the position of Irish officials whose salaries are a charge upon the Consolidated Fund or who are only removable for misconduct or incapacity. The officials to which the provisions of this

having  
salaries  
charged on  
the Consoli-  
dated Fund.

United Kingdom, shall, if at the date of *the passing of this Act* they are removable only on address from both Houses of Parliament of the United Kingdom, continue to be removable only upon such an address, and if removable in any other manner shall continue to be removable only in the same 5  
manner as before that date: and shall continue to receive the same salaries, gratuities, and pensions, and to be liable to perform the same duties as before that date or such duties as His Majesty may declare to be analogous, and their salaries and pensions shall be paid out of the Exchequer of the United 10  
Kingdom, and all sums so paid shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.

(2) *If any of the said judges or officers retires from office with His Majesty's approbation before completion of the period 15  
of service entitling him to a pension, His Majesty may, if he thinks fit, after considering any representation that may be made by the Irish Government, grant to him such pension, not exceeding the pension to which he would on that completion have been entitled, as His Majesty thinks proper.* 20

Continuation  
of service of,  
and com-  
pensation to,  
existing  
officers.

(3) Sub-section (1) of this section shall apply to existing Irish officers serving in an established capacity in the civil service of the Crown, who, although receiving salaries payable out of money provided by the Parliament of the United Kingdom and not charged on the Consolidated Fund, are removable only 25  
for misconduct or incapacity.

**33.** (1) Subject to the provisions of this Act, all existing Irish officers in the civil service of the Crown who are not provided for under the last preceding section and are on the appointed day serving as Irish officers shall, after that day, continue to hold 30  
their offices by the same tenure and upon the same terms and conditions (including conditions as to remuneration and superannuation) as theretofore and shall be liable to perform the same duties as theretofore, or such duties as the Civil Service Committee established under this Act may declare to be 35  
analogous, and while performing the same or analogous duties shall receive not less remuneration than they would have received if this Act had not passed :

Provided that notwithstanding the provision herein-before contained as to the tenure of existing Irish officers any existing 40  
Irish officer who at the time of *the passing of this Act* is

## Notes to Clauses.

### CLAUSE 32—*continued*.

clause apply are the Judges of the High Court and County Courts, any Land Commissioners who are *Irish* officials, Clerks of the Crown and Peace, certain officers of the Supreme Court and others, but the Chief Secretary cannot give an exhaustive list, so the extent of the application of the clause is uncertain. (*See* Parl. Deb., May 8th, cols. 528-9.)

**33.** The main provisions dealing with the continuation of services and compensation to existing civil servants are contained in Section 33 and the Third Schedule.

The apparent promise in Section 33, Sub-section (1) that after the Act Irish officers shall continue to hold their offices by the same tenure and upon the same terms and conditions (including remuneration and superannuation) is seriously whittled down by the addition of the words "and while performing the same or analogous duties shall receive not less remuneration" than if the Act had not passed: for there is, on the face of the Bill, nothing to prevent the Irish Government from abolishing or reducing the work, and thus cutting the ground from under the feet of the civil servants, whose duty it had been to do such work. To obviate this injustice, the Irish Government should be required to provide analogous work for existing officers willing to do it.

Section 33, Sub-section (3) applies the provisions as to compensation contained in the Third Schedule.

Clause 1 (1) of that Schedule provides for three classes of cases: (*a*) voluntary retirement, (*b*) the case of an officer whose position is impaired

removable from his office by His Majesty, or by the Chief Secretary, or by any person other than the Lord Lieutenant, or in any special manner, may be removed from his office *after the passing of this Act* by the Lord Lieutenant.

(2) The Superannuation Acts, 1834 to 1909, shall continue 5  
after the appointed day to apply to any such existing Irish officer to whom they then apply, and the service of any such officer under the Irish Government shall, for the purpose of those Acts, be deemed to be service in the permanent civil service of the Crown and in a public office within the meaning 10  
of the Superannuation Act, 1892 :

55 & 56 Vict.  
c. 40.

Provided that so far as relates to the grant and ascertainment of the amount of any allowance or gratuity under those Acts as respects any such officer who at the time of his ultimate retirement is serving under the Irish Government, the Civil 15  
Service Committee shall be substituted for the Treasury.

(3) The provisions as to compensation contained in the Third Schedule to this Act shall apply with respect to any such existing Irish officer.

(4) *The superannuation and other allowances and gratuities 20*  
*which may become payable after the passing of this Act to existing Irish Officers in the civil service of the Crown under the Superannuation Acts, 1834 to 1909, and any compensation payable to any such officers under the provisions of this Act, shall be paid out of moneys provided by the Parliament of the United Kingdom, 25.*  
but any sums so paid shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.

(5) The Pensions Commutation Acts, 1871 to 1882, shall apply 30  
to any person to whom an annual allowance is granted in pursuance of the provisions of this Act relating to existing officers as they apply to a person who has retired in consequence of the abolition of his office.

Establish-  
ment of  
Civil Service  
Committee.

34. (1) For the purpose of the provisions of this Act with respect to existing officers there shall be established a 35  
committee to be called the Civil Service Committee.

(2) The committee shall consist of three members, of whom one shall be appointed by the Treasury, one by the Executive Committee, and one (who shall be chairman) by the Lord Chief Justice of England. 40

CLAUSE 33—*continued*.

by reason of being required to perform non-analogous or additional duties to those formerly performed by him, (c) compulsory retirement. Class (c) provides for removal from office before the age of *sixty* years for any cause other than misconduct or incapacity. Under the existing law (see Treasury Regulations, January 10th, 1910, C.S. Year Book, p. 335) civil servants as a general rule cannot be compulsorily retired before *sixty-five*, except for misconduct or incapacity. Under this Schedule Irish civil servants may be deprived of five years' service, whereby they lose—(1) the difference between five years' salary and five years' pension ; (2) five years less may be available to count towards pension ; (3) the chance for that five years of promotion and higher salary and of a pension at the higher rate. And it is, from natural causes, in the last five years that the best chances of promotion occur.

The proposed change would plainly enable the Irish Government to replace, by its own nominees, all holders of positions thus prematurely displaced.

All younger civil servants hitherto, by reason of the prevailing practice, have had a reasonable expectation, that in filling vacancies, they would be preferred to strangers, and this has been one of the chief attractions of the service which should certainly be preserved by carefully restricting the mode of filling vacancies created on compulsory retirements. The assurances held out by previous Governments to young men of promise by which they were induced to join the service should be respected.

**34.** A like committee of three persons was appointed under the amended Bill of 1893. Two—one the Chairman—were to be specified by name in the Act : the third was to be appointed by the Irish Executive Committee.

(3) Any vacancy arising in the committee owing to the death, resignation, or incapacity of a member of the committee shall be filled by the authority by whom the member whose place is vacant was appointed.

(4) The determination of the Civil Service Committee on any claim or question which is to be determined by them under the provisions of this Act relating to existing officers shall be final and conclusive.

Provisions as to existing pensions and superannuation allowances.

35. *Any pension granted on account of service in Ireland as a judge of the Supreme Court or of any court consolidated into that court, or as a county court judge, or as an Irish officer in an established capacity in the civil service of the Crown, or to any officer or constable of the Dublin Metropolitan Police or Royal Irish Constabulary, and payable at the time of the passing of this Act, or in the case of an officer or constable of the Royal Irish Constabulary at the date of transfer, shall be paid out of moneys provided by the Parliament of the United Kingdom, and shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.*

Definition of Irish officer, and provision as to officers in whose case questions may arise, &c.

36. (1) For the purpose of the provisions of this Act relating to existing officers, any officer shall be deemed to be an Irish officer who is serving or employed in Irish services within the meaning of this Act.

(2) If any question arises whether an officer is an Irish officer as so defined, or otherwise as to any claim or right of an officer under the provisions of this Act relating to existing officers, that question shall be determined by the Civil Service Committee

(3) If in any case the Civil Service Committee are of opinion that the service or employment of an officer is such that he is partly an Irish officer and partly not, that Committee shall determine any question which arises as respects the proportion in which any allowance, gratuity, or compensation payable to that officer is to be paid as between the Exchequer or Consolidated Fund of Ireland and of the United Kingdom respectively.

*Provisions as to Members of Police.*

Continuation of service of, and compensation to,

37. (1) All officers and constables of the Dublin Metropolitan Police and of the Royal Irish Constabulary who are serving on the day of transfer shall after that day continue to



## Notes to Clauses.

**37.** The proposals in respect of the Royal Irish Constabulary and the Dublin Metropolitan Police differ from those of 1893, inasmuch as it is

members  
of police  
forces.

serve on the same terms and conditions as theretofore, and shall be liable to perform the same duties as theretofore, and while performing those duties shall not receive less pay than they would have received if this Act had not passed.

(2) Any existing enactments relating to the pay or pensions of officers and constables of the Dublin Metropolitan Police and Royal Irish Constabulary shall continue to apply after the transfer to any officer and constable serving on the day of transfer with the substitution of the Lord Lieutenant for the Treasury and for the Chief Commissioner or Inspector-General as the case requires. 5 10

(3) The provisions as to compensation contained in the Fourth Schedule to this Act shall apply with respect to the officers and constables of the Dublin Metropolitan Police and of the Royal Irish Constabulary who are serving on the day of transfer. 15

(4) *Any pensions and other allowances and gratuities which may become payable to officers and constables of the Dublin Metropolitan Police after the passing of this Act or to officers and constables of the Royal Irish Constabulary after the date of transfer (being in either case officers and constables who are serving on the day of transfer) under the existing enactments applicable to them, and any compensation payable to any of those persons under the provisions of this Act, shall be paid out of moneys provided by the Parliament of the United Kingdom ; but any sums so paid shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.* 20 25

(5) The Pensions Commutation Acts, 1871 to 1882, shall apply to any member of the Dublin Metropolitan Police or Royal Irish Constabulary to whom an allowance is granted in pursuance of the provisions of this section in like manner as if he had retired from the permanent Civil Service of the Crown on the abolition of his office, and any terminable annuity payable in respect of the commutation of an allowance shall be payable out of the same funds as the allowance. 30 35

(6) In this section and in the Fourth Schedule to this Act the expression "day of transfer" in relation to the Dublin Metropolitan Police means the appointed day, and in relation to the Royal Irish Constabulary means the day on which the control and management of that force are transferred to the Irish Government. 40

## Notes to Clauses.

### CLAUSE 37—*continued*.

not now proposed that they shall "cease to exist," but shall be handed over as they stand to the Irish Government—

The Dublin Metropolitan Police on an "appointed day" within six months before or after September 2nd, 1913 ;

The Royal Irish Constabulary six years after September 2nd, 1913 (*i.e.* 1919).

The provisions handing over the Royal Irish Constabulary to the Irish Government—and the remarks apply also to the Dublin Metropolitan Police—must be considered as regards the officers and men now serving in the Force, in the light of the conditions under which they entered the service and their future prospects. The Irish Constabulary has always been an Imperial force. As the result of the policy of British Governments for the past seventy years, it has been continually brought into collision with the forces which must control an Irish Executive. The existing officers and men would have no friends in such a body. They entered the Force, not like soldiers who enlist for a fixed period, but as men taking up the profession of a lifetime on the guarantee of the Imperial Parliament. If any proportion of these men have a reasonable distrust as to the possibility of a successful career under a Home Rule Government they ought to have the option of retiring voluntarily on favourable terms.

The position of all members of the Force for the six years after the passing of the Act would be very difficult as they would be under the direction of the Lord Lieutenant, and conflicts with the supporters of the Irish Government during that period are by no means improbable.

*General.*

Continuance  
of existing  
laws, institu-  
tions, &c.

38. All existing laws, institutions, and authorities in Ireland, whether judicial, administrative, or ministerial, and all existing taxes in Ireland, shall, except as otherwise provided by this Act, continue as if this Act had not passed, but with the modifications necessary for adapting them to this Act, and subject, as respects matters within the powers of the Irish Parliament under this Act, to repeal, abolition, alteration, and adaptation in the manner and to the extent authorised by this Act. 5 10

Use of  
Crown lands  
by Irish  
Govern-  
ment.

39. His Majesty the King in Council may place under the control of the Irish Government, for the purposes of that government, such of the lands, buildings, and property in Ireland vested in or held in trust for His Majesty, and subject to such conditions or restrictions (if any) as may seem expedient. 15

Arrange-  
ments  
between  
department  
of United  
Kingdom and  
Irish depart-  
ments for  
exercise of  
powers and  
duties.

40. Arrangements may be made by any department of the Government of the United Kingdom for the exercise and performance on behalf of that department of any powers or duties of that department by officers of an Irish department, or by any Irish department for the exercise and performance on behalf of that department of any powers or duties of that department by officers of a department of the Government of the United Kingdom on such terms and conditions as may be agreed : 20

Provided that no such arrangements shall diminish in any respect the responsibility of the department by which the arrangement is made. 25

Concurrent  
legislation.

41. (1) The Irish Parliament shall not have power to repeal or alter any provision of this Act (except as is specially provided by this Act), or of any Act passed by the Parliament of the United Kingdom after the passing of this Act and extending to Ireland, although that provision deals with a matter with respect to which the Irish Parliament have powers to make laws. 30

(2) Where any Act of the Irish Parliament deals with any matter with respect to which the Irish Parliament have power to make laws which is dealt with by any Act of the Parliament of the United Kingdom passed after the passing of this Act and extending to Ireland, the Act of the Irish Parliament shall be read subject to the Act of the Parliament of the United 35

38. This clause is intended to preserve existing laws and institutions, &c., except in so far as they are repealed by the Bill or by a future Act of the Irish Parliament. The words "with the modifications necessary for adapting them to the Act" are peculiar, and at once raise the questions: What modifications are "necessary?" Who is to decide whether they are necessary or not? And how with this extraordinarily vague limitation is anyone to know with certainty to what extent the Common or Statute Law of the Realm still applies to Ireland? Apparently the modifications are to be made by Order in Council—(see Clause 44 (*a*) and (*b*)), and presumably it would be in the power of the Executive to maintain that any modification of any law is "necessary" for adapting it to the Act, and it would only be possible to test the legality of the contention by actual litigation in the courts in order to determine whether in the opinion of the Judges the modification in question was or was not necessary. The phrase is so vague in its wording as to be out of place in any Act of Parliament. It provides opportunity for grave abuse by the Executive, and would reduce Irish law to a chaotic condition.

At the same time it should be noted that this practice of "adaptation" is not without precedent in recent years, though never to this indefinite extent. The Local Government Act (Ireland) 1898, 61 and 62 Victoria, c. 37, Section 105, invests the Lord Lieutenant with power to make by Order in Council "such adaptations of the Irish enactments specified in the Fifth Schedule to this Act or of other enactments affected by this Act, as appear to him necessary or expedient for carrying into effect this Act or any Order in Council made thereunder."

It is hardly necessary to point out that this is a much more restricted power than that conferred on the Crown by Clause 44 of the Bill.

40. The purpose of Clause 40 has already been referred to—(see Notes to Clause 5). Wherever the officials of an Irish department by virtue of this clause are engaged in the work of an Imperial department the efficient performance of that work must be at the mercy of the Irish Executive, and if it is to the interest of the Irish Government to have that work transferred and brought under the control of the Irish Parliament, the temptation so to clog the administrative machinery as to make the Imperial department unworkable will be insuperable; for instance, if the administration of the Land Purchase Acts, which is to remain under an Imperial department, is entrusted to Irish officials, it will be in the power of the Irish Executive so to interfere in the work of the department as to make the scheme unworkable, and by this means build up a *prima facie* case for the transfer of Land Purchase to the control of the Irish Parliament.

41. This clause prohibits the Irish Parliament from repealing or altering any part of the Act, except where provided, or from repealing or altering any law relating to Ireland made by the British Parliament after the passing of the Act. It is in fact one of the "safeguards" for maintaining the supremacy of the British Parliament. "The over-riding force of Imperial legislation," as stated in the clause, together with the limitations in respect of the Royal Assent to Bills passed by the Irish Parliament, is claimed by Mr. Asquith as reserving "completely unimpaired the supremacy of the Imperial Parliament." (*Parl. Deb.*, April 11th, Col. 1407.) Though, if the British Parliament is at all active in the matter of legislation relating to Ireland considerable friction will be inevitable. Yet, owing to the proximity of Ireland, English and Irish matters are so closely interwoven as to make the

Kingdom, and so far as it is repugnant to that Act, but no further, shall be void :

Provided that nothing in this section shall affect the power of the Irish Parliament to vary an Imperial tax in accordance with this Act, or any variation so made.

5

(3) Any order, rule, or regulation made in pursuance of, or having the force of, an Act of Parliament of the United Kingdom shall be deemed to be a provision of an Act within the meaning of this section.

*Transitory.*

10

First meet-  
ing of Irish  
Parliament  
and first  
election of  
reduced  
number of  
Irish mem-  
bers.

42. (1) The Irish Parliament shall be summoned to meet on the *first Tuesday in September nineteen hundred and thirteen*, and the first election of members of the Irish House of Commons shall be held at such time before that day as may be fixed by His Majesty by Order in Council made for the purpose of the transitory provisions of this Act.

15

(2) Upon the first meeting of the Irish Parliament, the members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom and then sitting in that Parliament shall vacate their seats, and writs shall, as soon as conveniently may be, be issued by the Lord Chancellor of Ireland for the purpose of holding an election of members to serve in the Parliament of the United Kingdom for the constituencies mentioned in the Second Part of the First Schedule to this Act.

20

(3) Subject to the provisions of this Act, all existing election laws relating to the Commons House of Parliament of the United Kingdom and the members thereof shall, so far as applicable, extend to the Irish House of Commons and the members thereof ; but those election laws may, except as provided by this Act, be altered by Irish Act.

30

His Majesty may by Order in Council make such provisions as may appear to him necessary or proper for making any provisions of the election laws applicable to elections of members of the Irish House of Commons.

(4) The Lord Lieutenant shall determine by lot which of the first senators are to retire in the second, fourth, and sixth year, and the term of office of those senators shall be reduced accordingly.

35

CLAUSE 41—*continued*.

interference of the Imperial Parliament, it would seem, almost a matter of necessity, although Sir Edward Grey, on May 2nd, said: "I admit that while we preserve Imperial supremacy for purposes of this Parliament in theory over Irish affairs, in practice we shall have to go out of our way to exercise that supremacy. I do not wish to see us do that. I do not wish us to go out of our way to exercise effective supremacy over Irish affairs in regard to which this House ought to be supreme. I maintain it is desirable that we should free ourselves from intervention in Irish affairs, and I really think and believe hon. members from Ireland may rely with perfect confidence on this, that once a Bill of this kind is passed, this House will be so occupied with the affairs which are proper and important to it that it will not go out of its way, unless there be some very extreme case, to interfere in Irish affairs." (*Parl. Deb.*, Col. 2079.) In fact, it will be seen from Sir Edward Grey's interpretation that it is intended that the supremacy of the Imperial Parliament after the passing of the Act shall approximate to the supremacy of the Imperial Parliament now exercised over, say, New Zealand.

The supremacy of the Imperial Parliament certainly means one thing in the case of Ireland now and another in the case of New Zealand. In so much as the Act brings the supremacy in the case of Ireland into line with that of New Zealand, it is impossible to maintain that Imperial supremacy is unaltered or undiminished.

Now its authority over Ireland is effective: if the Act is passed, whatever the theory may be, in practice the supremacy is not enforced. (See Dicey, "Leap in the Dark," Second Edition, pp. 4-6.).

42. This clause fixes the date for the first meeting of the Irish Parliament, on September 2nd, 1913.

It should be noted that this date can be altered without thereby preventing the operation of the Parliament Act in the event of the Bill being passed in the Commons a third time, after having been twice rejected by the Lords.

Sub-section (2) provides for a general election in Ireland for Irish members retained in the Parliament of the United Kingdom when the Irish Parliament first meets. Obviously in the case of a Government at Westminster holding office by only a narrow majority as a result of Irish Nationalist support, the withdrawal of a large number as the result of this Act might lead to an immediate General Election throughout the United Kingdom.

Sub-section (3) applies *existing* election laws to the Irish House of Commons. Irish Parliament has power to alter them after three years. The second Irish Parliament may therefore be elected on an entirely different franchise. (See Clause 47 for the definition of election law.)

The second paragraph presumably means that if *existing* election laws are not applicable, they may be made so by Order in Council, and refers to existing laws of the United Kingdom which apply to Ireland by virtue of the first paragraph: but the meaning is not clear. Note the word *existing* does not occur here before *election laws*. Apparently therefore there is nothing in the clause to prevent the Crown from making applicable to the Irish House of Commons:—

- (1) Election laws made by the English Parliament after the passing of the Act, and not referring to Ireland.
- (2) Existing election laws of the United Kingdom which by Irish Act of Parliament had been made inapplicable to Ireland.

Temporary provision as to payments into and out of the Irish Exchequer.

43. (1) *Pending the determination of the Transferred Sum by the Joint Exchequer Board, the Treasury may make such payments on account of that sum into the Irish Exchequer as the Joint Exchequer Board may direct.*

(2) The Joint Exchequer Board may authorise the Lord Lieutenant to make such payments from the Irish Exchequer as may be necessary in order to provide for bringing this Act into operation, but no such authority shall be given after the expiration of a period of three months from the first meeting of the Irish Parliament.

Power to make adaptations, &c., by Order in Council.

44. (1) His Majesty may make Orders in Council for the purpose of the transitory provisions of this Act, and may, by any such Order, make or direct to be made such arrangements as seem necessary or proper for setting in motion the Irish Parliament and Government, and also for any other matter for which it seems to His Majesty necessary or proper to make provision for the purpose of bringing this Act into full operation or for giving full effect to the future transfer under or by virtue of this Act of a reserved service; and in particular His Majesty may by any such Order in Council—

(a) make such adaptations of any enactments so far as they relate to Ireland as may appear to him necessary or proper in order to give effect to the provisions of this Act, and also make any adaptations of any enactments so far as they relate to England or Scotland, as may appear to him necessary or proper as a consequence of any change effected by the provisions of this Act; and

(b) make such adaptation of any enactments as appear to him necessary or proper with respect to the execution of the reserved services, and in particular provide for the exercise or performance of any powers or duties in connection with those services by any department of the Government of the United Kingdom or officer of that Government where any such powers or duties are, under any existing Act, to be exercised or performed by any department in Ireland which will cease to exist as a department of the Government of the United Kingdom; and

(c) make regulations with respect to the relations of the Irish and British Post Offices, and in particular may



CLAUSE 42—*continued*.

As to—

(1) This would be an interference with the decision of the Imperial Parliament.

(2) This would be in effect over-riding the enactment of the Irish Parliament.

It may, however, be held that the meaning of election law in the second paragraph is limited to the election laws referred to in the first paragraph.

Sub-section (4) deals with the retiring of the first Senators. It is important to notice that by the end of eight years the whole of the Senators originally nominated by the Imperial Executive would have been replaced by Senators nominated by the Irish Executive. Further, in the first Irish Parliament at any rate the Nationalists would be in a strong majority, and assuming that it lasts for the full period of five years, the Nationalist Executive would be able before the end of the first Parliament to nominate its supporters to the Senate to the extent of one-half of the Senate, in place of those retiring in the second and fourth year, in accordance with the provisions of this clause.

If the Nationalists are in a majority in the second Irish Parliament, by the end of the eight years the Senate would be entirely composed of nominees of the Nationalist Party. So much for the "safeguard."

43. Sub-section (2) is intended to provide the Irish Government with funds for preliminary expenses. But the date of the establishment of the Joint Exchequer Board depends upon the setting up of the Irish Treasury; until then there can be no Joint Exchequer Board.

44. This clause, which evidently must be read together with Clause 38, gives the Crown a very wide power to make "adaptations" of *any* enactments relating to England, Scotland and Ireland. The word "adaptations" may be held to cover a multitude of sins, and seems to give the Crown in effect a wide power of direct legislation—in fact the power to legislate by proclamation. The wording of the clause is altogether vague, and places too much power in the hands of the Executive. (See, however, the note to Clause 38, where the precedent of the Local Government (Ireland) Act, 1898, is mentioned.)

The section of that Act (135) is as follows:—

"The Lord Lieutenant by Order in Council may make such adaptations of the Irish enactments specified in the Fifth Schedule to this Act, or of other enactments affected by this Act as appear to him necessary or expedient for carrying into effect this Act or any Order in Council made thereunder; and for that purpose may modify the provisions in the Valuation Acts as to dates and modes of procedure, and as to levying a rate pending an appeal."

The Acts referred to as specified in the Schedule are:—

— The Grand Juries Acts.

— The Municipal Corporations (Ireland) Act, 1840."

The Lighting of Towns (Ireland) Act, 1828.

The Towns Improvement (Ireland) Act, 1854.

The Public Health Acts, 1878 to 1896.

The Valuation Acts.

provide for an apportionment of the capital liabilities of the Post Office between the Irish Exchequer and the Exchequer of the United Kingdom, and for apportioning any receipts and expenses in respect of foreign mails or other foreign postal services (including telegrams and telephones), between the two Post Offices, and for facilities being given in respect of postal services generally by the one Post Office to the other, especially in relation to submarine telegraphs or telegraphic communication with any place out of the United Kingdom ; and

(d) on any transfer under this Act of the public services in connection with the administration of the Old Age Pensions Acts, 1908 and 1911, make provision for securing the payment of an old age pension to any person who is entitled to the payment of such a pension at the time of the transfer, while he continues so entitled ; and

(e) on the transfer under this Act of public services in connection with Post Office Savings Banks, or Trustee Savings Banks, make provisions for giving a depositor in any transferred Post Office Savings Bank the right to repayment of any sums due to him in respect of his deposits at the time of the transfer, and for giving the trustees of any Trustee Savings Bank in Ireland the right to close their bank and to require repayment of all sums due to them from the National Debt Commissioners, and for securing to the holder of any annuity or policy of insurance granted before the date of the transfer by a Post Office or Trustee Savings Bank the payment of the annuity or of any sums due under the policy ; and

(f) make provision with respect to the transfer and apportionment of any property, rights, and liabilities in connection with Irish services ; and

(g) provide, in cases where the same Act deals with reserved matters and with other matters, for specifying the matters dealt with by the Act which are to be treated in accordance with this Act as reserved matters.

Orders in  
Council to  
be laid

45. (1) Any Order in Council made for the purpose of the transitory provisions of this Act shall be laid before both

CLAUSE 44—*continued*.

The Registration Acts.

The Lunatic Asylums Acts.

The Local Government (Ireland) Act, 1871.

The Local Government Board (Ireland) Act, 1872.

The Tramways (Ireland) Acts, 1860 to 1896.

It will be noticed that in the Irish Local Government Act not only are the Acts of which there is power of adaptation limited, but they are all Irish local Acts. Under this Bill there is power to adapt "any" enactment relating not only to Ireland but to England and Scotland.

The Order in Council relating to adaptation under Section 105 of the Irish Local Government Act is set out in Vanston's *Local Government*, pp. 297-368.

Orders in Council under this clause may be made—

- (a) For the purpose of the transitory provisions of Act.
- (b) For setting in motion the Irish Parliament and Irish Government.
- (c) For any matter to bring Act into full operation.
- (d) For giving full effect to future transfer of a "reserved service."
- (e) For adapting Acts relating to Ireland to give effect to this Act.
- (f) For adapting Acts relating to England or Scotland as a result of changes made necessary by this Act.
- (g) For adapting Acts relating to "reserved services."
- (h) For the purpose of carrying out "reserved services" by Imperial departments when the department in Ireland ceases to exist as an Imperial department.
- (g) For fixing the relations of the Irish and British Post Offices.
- (h) For apportioning capital liabilities between the Post Offices of Great Britain and Ireland.
- (i) For apportioning receipts and expenditure in respect of foreign mails and postal services.
- (j) For facilities in respect of telegraphs.
- (k) For continuing Old Age Pensions to pensioners on the transfer of the services.
- (l) For giving depositors right of repayment of deposits on transfer of Post Office Savings Bank.
- (m) For giving Trustee Savings Bank right to close on transfer.
- (n) For securing annuity holders and insured persons payment on transfer of Post Office Savings Bank.
- (o) For making provision in respect of transfer and apportionment of property rights and liabilities in connection with Irish Services.
- (p) For specifying reserved matters in Acts.

45. Following the precedent of the Irish Local Government Act, 1898, requires the Orders in Council referred to above to be laid before both

before  
Parliament. Houses of the Parliament of the United Kingdom within forty days next after it is made if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session; and if an address is presented to His Majesty by either of these Houses within the next subsequent forty days praying that any such Order may be annulled, His Majesty may thereupon by Order in Council annul the same, and the Order so annulled shall forthwith become void, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the Order.

Appointed  
day. (2) Any Order in Council made for the purpose of the transitory provisions of this Act shall, subject to the foregoing provisions of this section, have effect as if enacted in this Act.

46. The appointed day for the purposes of this Act shall be the day for the first meeting of the Irish Parliament, or such other day not more than *six* months earlier or later, as may be fixed by Order of His Majesty in Council either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act.

*Supplemental.*

Definitions. 47. In this Act, unless the context otherwise requires—

The expression “existing” means existing at the passing of this Act;

The expression “constituency” means a parliamentary constituency, or a county, borough, or university returning a member or members to serve in the Irish House of Commons as the case requires, and the expression “parliamentary constituency” means any county, borough, or university returning a member or members to serve in the Parliament of the United Kingdom:

The expression “parliamentary elector” means a person entitled to be registered as a voter at a parliamentary election:

The expression “parliamentary election” means the election of a member to serve in the Parliament of the United Kingdom:

The expression “election laws” means the laws relating to the election of members to serve in the Parliament

## Notes to Clauses.

### CLAUSE 45—*continued*.

Houses of Parliament within forty days after they are made and *empowers* but does not *compel* the Crown to annul the same on Address by either House. To this extent it is a check upon the abuse of the authority conferred by the Act, but on the other hand it does not alter the fact that the English Executive will have the power to alter any law relating to Ireland by “adaptation” without any debate in either House until after the alteration has been made, and possibly without any debate at all.

46. This defines the meaning of the “appointed day” referred to throughout the Bill. It may differ for different purposes.

47. Definitions Clause. These definitions must be read in conjunction with the clauses in which the expressions in question occur.

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## INTRODUCTORY NOTES TO SCHEDULE 1.

### IRISH HOUSE OF COMMONS.

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THIS House is to consist of 164 members, including 34 from Boroughs, 128 from Counties, and 2 from Dublin University. The population of Ireland is 4,381,951. Excluding the 2 representatives of the University, this means that the 162 members should, on an equitable distribution, each represent a population of 27,049.

If the figures are examined in the groups given in the schedule, it will be found that the population per member in the Boroughs is 26,363, in the Ulster Counties 26,830, the Leinster Counties 28,720, the Munster Counties 28,503, and the Connaught Counties 24,607.

Going more into details, in the Boroughs, which are to have 34 members, the largest population per member is 28,045 in Waterford, and the smallest 20,399 in Londonderry. The fault in the schedule seems to be the slavish adherence to the present Parliamentary Divisions and the adoption of a system of election in groups—for instance, five members are to be elected for East Belfast. The single-member constituency is one that since 1885 has been found most satisfactory throughout the United Kingdom, as it ensures that each member is elected on his merits and is not, as in the group system, merely an item on the ticket of a caucus. The

of the United Kingdom, other than those relating to the qualification of electors, and includes all the laws respecting the registration of electors, the issue and execution of writs, the creation of polling districts, the taking of the poll, the questioning of elections, corrupt and illegal practices, the oath, qualification and disqualification of members, and the vacating of seats : 5

The expression “ tax ” includes duties (other than duties of postage) and fees (other than fees which are charged in respect of any special Irish service, and the receipts from which are, in the opinion of the Joint Exchequer Board, of a character to be properly treated as appropriations in aid) : 10

The expression “ Irish Act ” means a law made by the Irish Parliament : 15

The expression “ salary ” includes remuneration, allowances, and emoluments :

The expression “ pension ” includes superannuation allowance, and in relation to a constable of the Royal Irish Constabulary or Dublin Metropolitan Police includes a pension or gratuity payable to the widow or children of a constable : 20

The expression “ office ” includes any place, situation, or employment, and the expression “ officer ” shall be construed accordingly : 25

The expression “ officer ” in relation to the Royal Irish Constabulary includes the Inspector-General, the Deputy-Inspector-General, an Assistant-Inspector-General, the Assistant-Inspector-General-Commandant of the Dépôt, the Town Inspector at Belfast, a County Inspector, a surgeon, a storekeeper and barrack-master, the veterinary surgeon, and a district inspector, and in relation to the Dublin Metropolitan Police, includes the Chief Commissioner, Assistant-Commissioner, and Secretary and Accountant : 30 35

The expression “ constable ” in relation to the Royal Irish Constabulary includes the head-constable-major, a head-constable, sergeant, acting sergeant, and constable ; and in relation to the Dublin Metropolitan Police includes every member of that force not being of higher rank 40

## Notes to Clauses.

group system has but one advantage, and that a doubtful one. It enables an otherwise hopeless candidate to be carried in on the backs of popular colleagues whose names are on the same ticket. In East Belfast each member will represent a population of about 27,000, in South of about 26,000, in West of about 33,000, and in North of about 25,000. It would be more reasonable to abandon the present Parliamentary Divisions, allot a total number of members to each Borough, and to appoint a Boundary Commission to re-divide each Borough into single-member Divisions. So far as the Boroughs situated in Ulster are concerned (Belfast and Londonderry), they will be represented by one member for each 26,553 of the population; the other Boroughs (Dublin, Cork, Limerick, and Waterford) by one member for each 26,193 of population. The present Parliamentary Boroughs of Galway, Kilkenny and Newry are not to be separately represented, but are merged in their respective counties.

The Ulster Counties are to be represented by 43 members, the population per member being largest in Monaghan with 35,697 per member, and smallest in Cavan with 22,767 per member. In this group also a distribution in single-member areas would be more equitable than the plan of two-member constituencies, which is proposed in the majority of cases. There are inequalities which are obvious, South Donegal, with a population of 41,466, has two members, whilst East Donegal, with 39,640, has but one. Antrim has eight members, but on the basis of 27,049 for all Ireland, should have seven, Tyrone has four but should have five, Cavan is over represented with four but would be nearer the proper proportion with only three. The average for the whole of the Ulster counties is 26,830. The Leinster Counties are to have 30 representatives, the average population per member being 28,720. The largest unit is Carlow, with 35,154, and the smallest Longford, with 21,897 per member. In this province with five exceptions the constituencies are single-member divisions, and are mainly as nearly equal as circumstances admit. North Kilkenny has two members for 42,980 population, whilst the Southern division of that county has one member for 31,490.

The Munster Counties will have 30 members, with an average population of 28,503 per member. Nine of the divisions have two members each and the remainder are single-member constituencies. The County of Tipperary, with four members, averages 37,469 per member; whilst Limerick, with four members, averages 24,030 per member. Cork, which has eleven members, would be more equitably represented by ten, and Tipperary is entitled to another member.

Connaught has 25 members, with an average population of 24,607 per member. Leitrim, with 31,778, has the highest population per member, and Galway, with 22,963, the smallest. There are eleven two-member divisions and only three single-member divisions.

## IRISH REPRESENTATION IN THE IMPERIAL PARLIAMENT.

THE arrangement proposed can best be described as grotesque and a departure from the general scheme of representation which at present exists. The total representation of 42 renders an equitable arrangement for representation on a similar basis throughout the United Kingdom quite impossible. If the figure remains at 42 and

than chief superintendent, and not being a member of the clerical staff only :

The expression “ Royal Irish Constabulary ” includes the reserve force of that body.

Short title.      48. This Act may be cited as the Irish Government 5  
Act, 1912.



## Notes to Clauses.

the whole House of Commons is thereby reduced to 609 the Irish members will represent larger averages of population than their colleagues from England, Scotland, and Wales.

The allotment, therefore, of 42 members for Ireland, gives Ireland a grievance which will be made the most of at the first suitable opportunity. England has for many years been very patient with its own under-representation and the over-representation of Ireland. It is more than doubtful whether Ireland would be equally patient in similar circumstances.

The average population per member of the present House of Commons should be, under proper representation, 67,487. In England it actually is 73,211. Under Home Rule the Irish members at Westminster will each represent 104,332.

No arrangement is made for representation in single-member constituencies, but the objectionable and obsolete group system abandoned in 1885 is re-introduced. There are to be but three Borough constituencies represented by eight members. The only Borough with but one member is Cork, with a population of 102,274.

The Ulster Counties have eleven members, with an average population per member of 108,592. The largest is Londonderry, with one member for a population of 140,621, and the smallest Cavan, with a population of 91,071. The high average of population has necessitated grouping counties together—Donegal, with a population of 168,420, is grouped with Fermanagh, with 61,811. The two counties together are to return two members and the 168,420 will, therefore, swamp the 61,811. Donegal always has returned Nationalists, whilst Fermanagh is Unionist. The Fermanagh Unionists would really be represented by two Donegal Nationalists. It is interesting to observe that the Home Rule Bill in this respect makes short work of any possible safeguard to Unionist Ulster in the shape of a Unionist representative from Fermanagh. Monaghan and Tyrone are unitedly to return two members. The Unionist voice in Co. Tyrone cannot possibly make itself heard under this arrangement.

Whilst dealing with Ulster it is as well to point out the probable position of loyalists in the 42 members to be sent from Ireland. Antrim (2), Armagh (1), Londonderry (1), and Down (2) might elect six, and Belfast out of four members might elect three; so that nine is the maximum number that would represent the Irish Unionists at Westminster under the Home Rule Bill.

The Leinster Counties are to be represented by eight members, with an average population of 107,701.

Munster with nine members, with an average population of 103,319. In Munster the grouping takes a strange turn. Hitherto complete counties have been grouped, but now Kerry is bracketed with West Limerick and two divisions of Cork are bracketed with West Waterford. East Tipperary, East Waterford, and the Borough of Waterford are bracketed. The grouping seems governed by the necessity of finding a figure near to the average number. Nothing else seems to have received any consideration.

Connaught is to have six members, with an average population of 102,530 per member. The bracketing is again resorted to. The County of Mayo is bracketed in three different constituencies. South Roscommon is included with South Mayo and North Roscommon with Leitrim.

Dublin University is no longer to be represented in the Imperial Parliament.

# SCHEDULES.

## FIRST SCHEDULE.

### PART I.

#### IRISH HOUSE OF COMMONS.

#### CONSTITUENCIES AND NUMBER OF MEMBERS.

5

#### *Boroughs.*

Constituency.								Number of Members.	
Dublin :									
College Green	...	...	...	...	...	...	...	3	10
Harbour	...	...	...	...	...	...	...	3	
St. Stephen's Green	...	...	...	...	...	...	...	2	
St. Patrick's	...	...	...	...	...	...	...	3	
Belfast :									
East	...	...	...	...	...	...	...	5	15
South	...	...	...	...	...	...	...	3	
West	...	...	...	...	...	...	...	2	
North	...	...	...	...	...	...	...	4	
Londonderry	...	...	...	...	...	...	...	2	
Cork	...	...	...	...	...	...	...	4	20
Limerick	...	...	...	...	...	...	...	2	
Waterford	...	...	...	...	...	...	...	1	
Totals (Boroughs)								34	

# Notes.

## FIRST SCHEDULE.

### PART I.

#### IRISH HOUSE OF COMMONS.

##### *Boroughs.*

Constituency.	Number of Members.	Population.	Population per Member.
Dublin :			
College Green ... ..	3	75,676	
Harbour ... ..	3	80,349	
St. Stephen's Green ... ..	2	65,622	
St. Patrick's ... ..	3	72,796	
		294,443	26,767
Belfast :			
East ... ..	5	136,098	
South ... ..	3	80,980	
West ... ..	2	66,917	
North ... ..	4	100,065	
		384,060	27,432
Londonderry ... ..	2	40,799	20,399
Cork ... ..	4	102,274	25,568
Limerick ... ..	2	46,725	23,362
Waterford ... ..	1	28,045	28,045
	34	896,346	26,363

NOTE.—The following boroughs now returning members to the Imperial House of Commons are omitted from the above list and merged in their respective county divisions :—

Borough.	Population.
Galway... ..	15,936
Kilkenny ... ..	13,112
Newry ... ..	12,453
	41,501

*Counties.*

## ULSTER.

Constituency.							Number of Members.	
Antrim County :								
North Antrim	...	...	...	...	...	...	2	5
Mid Antrim	...	...	...	...	...	...	2	
East Antrim	...	...	...	...	...	...	2	
South Antrim	...	...	...	...	...	...	2	
Armagh County :								
North Armagh	...	...	...	...	...	...	2	10
Mid Armagh	...	...	...	...	...	...	1	
South Armagh (including that part of Newry which is situated in Armagh County)							1	15
Cavan County :								
West Cavan	...	...	...	...	...	...	2	
East Cavan	...	...	...	...	...	...	2	
Donegal County :								
North Donegal	...	...	...	...	...	...	2	20
West Donegal	...	...	...	...	...	...	2	
East Donegal	...	...	...	...	...	...	1	
South Donegal	...	...	...	...	...	...	2	
Down County :								
North Down	...	...	...	...	...	...	2	25
East Down	...	...	...	...	...	...	2	
West Down	...	...	...	...	...	...	2	
South Down (including that part of Newry which is situated in Down County)							2	30
Fermanagh County :								
North Fermanagh	...	...	...	...	...	...	1	
South Fermanagh	...	...	...	...	...	...	1	
Londonderry County :								
North Londonderry	...	...	...	...	...	...	2	35
South Londonderry	...	...	...	...	...	...	2	
Monaghan County :								
North Monaghan	...	...	...	...	...	...	1	
South Monaghan	...	...	...	...	...	...	1	
Tyrone County :								
North Tyrone	...	...	...	...	...	...	1	40
Mid Tyrone	...	...	...	...	...	...	1	
East Tyrone	...	...	...	...	...	...	1	
South Tyrone	...	...	...	...	...	...	1	
Totals (Ulster Counties)							43	45

# Notes.

Counties.

ULSTER.

Constituency.	Number of Members.	Population.	Population per Member.
Antrim County :			
North Antrim ...	2	43,544	
Mid Antrim ...	2	42,952	
East Antrim ...	2	55,151	
South Antrim ...	2	49,012	
		190,659	23,832
Armagh County :			
North Armagh ...	2	45,470	
Mid Armagh ...	1	39,538	
South Armagh (in- cluding part of Newry) } ...	1 {	{ 34,561 } { 3,113 }	
		122,682	30,670
Cavan County :			
West Cavan ...	2	47,181	
East Cavan ...	2	43,890	
		91,071	22,767
Donegal County :			
North Donegal ...	2	41,063	
West Donegal ...	2	46,251	
East Donegal ...	1	39,640	
South Donegal ...	2	41,466	
		168,420	24,060
Down County :			
North Down ...	2	60,016	
East Down ...	2	47,653	
West Down... ...	2	42,734	
South Down (includg. part of Newry) } ...	2 {	{ 45,673 } { 9,340 }	
		205,416	25,677
Fermanagh County :			
North Fermanagh ...	1	31,120	
South Fermanagh ...	1	30,691	
		61,811	30,905
Londonderry County :			
North Londonderry ...	2	52,957	
South Londonderry ...	2	46,865	
		99,822	24,955
Monaghan County :			
North Monaghan ...	1	36,558	
South Monaghan ...	1	34,837	
		71,395	35,697
Tyrone County :			
North Tyrone ...	1	36,766	
Mid Tyrone... ...	1	35,585	
East Tyrone ...	1	37,494	
South Tyrone ...	1	32,592	
		142,437	35,609
	43	1,153,713	26,830

*Counties—continued.*

LEINSTER.

Constituency.							Number of Members.	
Carlow County	...	...	...	...	...	...	1	5
Dublin County :								
North Dublin	...	...	...	...	...	...	3	
South Dublin	...	...	...	...	...	...	3	
Kildare County :								
North Kildare	...	...	...	...	...	...	1	10
South Kildare	...	...	...	...	...	...	1	
Kilkenny County :								
North Kilkenny (including the								
borough of Kilkenny)	...	...	...	...	...	...	2	
South Kilkenny	...	...	...	...	...	...	1	15
King's County :								
Birr	...	...	...	...	...	...	1	
Tullamore	...	...	...	...	...	...	1	
Longford County :								
North Longford	...	...	...	...	...	...	1	20
South Longford	...	...	...	...	...	...	1	
Louth County :								
North Louth	...	...	...	...	...	...	1	
South Louth	...	...	...	...	...	...	1	
Meath County :								
North Meath	...	...	...	...	...	...	1	25
South Meath	...	...	...	...	...	...	1	
Queen's County :								
Ossory	...	...	...	...	...	...	1	
Leix	...	...	...	...	...	...	1	30
Westmeath County :								
North Westmeath	...	...	...	...	...	...	1	
South Westmeath	...	...	...	...	...	...	1	
Wexford County :								
North Wexford	...	...	...	...	...	...	2	35
South Wexford	...	...	...	...	...	...	2	
Wicklow County :								
West Wicklow	...	...	...	...	...	...	1	
East Wicklow	...	...	...	...	...	...	1	
Totals (Leinster Counties)							30	40

Notes.

*Counties—continued.*

LEINSTER.

Constituency.	Number of Members.	Population.	Population per Member.
Carlow County ...	1	35,154	35,154
Dublin County :			
North Dublin ...	3	95,110	
South Dublin ...	3	89,980	
		185,090	30,848
Kildare County :			
North Kildare ...	1	30,701	
South Kildare ...	1	35,797	
		66,498	33,249
Kilkenny County :			
North Kilkenny (in- cluding borough of Kilkenny) ...	2	29,868 13,112	
South Kilkenny ...	1	31,490	
		74,470	24,823
King's County :			
Birr ...	1	28,351	
Tullamore ...	1	28,418	
		56,769	28,384
Longford County :			
North Longford ...	1	21,930	
South Longford ...	1	21,864	
		43,794	21,897
Louth County :			
North Louth ...	1	34,242	
South Louth ...	1	29,160	
		63,402	31,701
Meath County :			
North Meath ...	1	32,914	
South Meath ...	1	32,006	
		64,920	32,460
Queen's County :			
Ossory ...	1	27,062	
Leix ...	1	28,297	
		55,359	27,679
Westmeath County :			
North Westmeath ...	1	29,350	
South Westmeath ...	1	26,802	
		56,152	28,076
Wexford County :			
North Wexford ...	2	50,843	
South Wexford ...	2	51,180	
		102,023	25,505
Wicklow County :			
West Wicklow ...	1	26,048	
East Wicklow ...	1	31,931	
		57,979	28,989
	30	861,610	28,720

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*Counties—continued.*

MUNSTER.

Constituency.							Number of Members.	
Clare County :								
	East Clare	...	...	...	...	...	2	5
	West Clare	...	...	...	...	...	2	
Cork County :								
	North Cork	...	...	...	...	...	2	10
	North-East Cork	...	...	...	...	...	2	
	Mid Cork ...	...	...	...	...	...	2	
	East Cork	...	...	...	...	...	2	
	West Cork	...	...	...	...	...	1	
	South Cork	...	...	...	...	...	1	15
	South-East Cork	...	...	...	...	...	1	
Kerry County :								
	North Kerry	...	...	...	...	...	1	
	West Kerry	...	...	...	...	...	2	
	South Kerry	...	...	...	...	...	1	
	East Kerry	...	...	...	...	...	1	
Limerick County :								20
	West Limerick	...	...	...	...	...	2	
	East Limerick	...	...	...	...	...	2	
Tipperary County :								
	North Tipperary	...	...	...	...	...	1	25
	Mid Tipperary	...	...	...	...	...	1	
	South Tipperary	...	...	...	...	...	1	
	East Tipperary	...	...	...	...	...	1	
Waterford County :								
	West Waterford	...	...	...	...	...	1	30
	East Waterford	...	...	...	...	...	1	
Totals (Munster Counties)							30	

CONNAUGHT.

Constituency.							Number of Members.	
Galway County :								35
	Connemara	...	...	...	...	...	2	40
	North Galway	...	...	...	...	...	2	
	East Galway	...	...	...	...	...	2	
	South Galway (including the borough of Galway)	...	...	...	...	...	2	
Leitrim County :								
	North Leitrim	...	...	...	...	...	1	1
	South Leitrim	...	...	...	...	...	1	
Mayo County :								
	North Mayo	...	...	...	...	...	2	45
	West Mayo	...	...	...	...	...	2	
	East Mayo	...	...	...	...	...	2	
	South Mayo	...	...	...	...	...	2	
Roscommon County :								
	North Roscommon	...	...	...	...	...	2	50
	South Roscommon	...	...	...	...	...	2	
Sligo County :								
	North Sligo	...	...	...	...	...	2	1
	South Sligo	...	...	...	...	...	1	
Totals (Connaught Counties)							25	55



**Notes.**  
*Counties—continued.*

**MUNSTER.**

Constituency.	Number of Members.	Population.	Population per Member.
Clare County :			
East Clare ... ..	2	50,659	
West Clare ... ..	2	51,851	
Cork County :		102,510	25,627
North Cork ... ..	2	42,342	
North-East Cork ... ..	2	44,276	
Mid Cork ... ..	2	41,251	
East Cork ... ..	2	43,264	
West Cork ... ..	1	39,570	
South Cork ... ..	1	38,848	
South-East Cork ... ..	1	39,365	
Kerry County :		288,916	26,265
North Kerry ... ..	1	37,750	
West Kerry ... ..	2	43,479	
South Kerry ... ..	1	38,459	
East Kerry ... ..	1	39,580	
Limerick County :		159,268	31,853
West Limerick ... ..	2	48,288	
East Limerick ... ..	2	47,833	
Tipperary County :		96,121	24,030
North Tipperary ... ..	1	36,595	
Mid Tipperary ... ..	1	38,028	
South Tipperary ... ..	1	35,959	
East Tipperary ... ..	1	39,295	
Waterford County :		149,877	37,469
West Waterford ... ..	1	29,681	
East Waterford ... ..	1	28,729	
		58,410	29,205
	30	855,102	28,503

**CONNAUGHT.**

Constituency.	Number of Members.	Population.	Population per Member.
Galway County :			
Connemara ... ..	2	43,498	
North Galway ... ..	2	43,427	
East Galway ... ..	2	41,881	
South Galway (incl. borough Galway) }	2 {	{ 38,963 } { 15,936 }	
Leitrim County :		183,705	22,963
North Leitrim ... ..	1	31,253	
South Leitrim ... ..	1	32,304	
Mayo County :		63,557	31,778
North Mayo ... ..	2	47,768	
West Mayo ... ..	2	51,054	
East Mayo ... ..	2	46,714	
South Mayo ... ..	2	46,875	
Roscommon County :		192,411	24,051
North Roscommon ... ..	2	44,450	
South Roscommon ... ..	2	48,934	
Sligo County :		93,384	23,346
North Sligo... ..	2	42,745	
South Sligo... ..	1	39,378	
		82,123	27,374
	25	615,180	24,607

UNIVERSITY.

Constituency.	Number of Members.
Dublin University ... ..	2

TOTAL OF BOROUGH, COUNTY AND UNIVERSITY MEMBERS :—	5
Borough members ... ..	34
County members ... ..	128
University members ... ..	2
Total members ... ..	<u>164</u>

PART II. 10

REPRESENTATION OF IRELAND IN THE HOUSE OF COMMONS OF THE UNITED KINGDOM.

CONSTITUENCIES AND NUMBER OF MEMBERS.

*Boroughs.*

Constituency.	Number of Members.	15
Dublin ... ..	3	
Belfast ... ..	4	
Cork ... ..	1	
Totals (Boroughs) ... ..	8	20

*Counties.*

ULSTER.

Constituency.	Number of Members.	
Antrim ... ..	2	25
Armagh (including that part of Newry which is situated in Armagh County) ... ..	1	
Cavan ... ..	1	
{ Donegal ... ..	2	30
{ Fermanagh ... ..		
Londonderry (including the borough of Londonderry) ... ..	1	
{ Monaghan ... ..	2	35
{ Tyrone ... ..		
Down (including that part of Newry which is situated in Down County) ... ..	2	
Totals (Ulster Counties) ... ..	11	

# Notes.

## UNIVERSITY.

Constituency.	Number of Members.	Population.	Population per Member.
Dublin University ...	2	—	—

### TOTAL OF BOROUGH, COUNTY AND UNIVERSITY MEMBERS.

—	Number of Members.	Population.	Population per Member.
Borough Members ...	34	896,346	26,363
County Members ...	128	3,485,605	27,231
Dublin University ...	162	4,381,951	27,049
	2		
	164		

## PART II.

### REPRESENTATION OF IRELAND IN THE HOUSE OF COMMONS OF THE UNITED KINGDOM.

#### *Boroughs.*

Constituency.	Number of Members.	Population.	Population per Member.
Dublin ... ..	3	294,443	98,147
Belfast ... ..	4	384,060	96,015
Cork ... ..	1	102,274	102,274
	8	780,777	97,597

#### *Counties.*

#### ULSTER.

Constituency.	Number of Members.	Population.	Population per Member.
Antrim ... ..	2	190,659	95,329
Armagh (including part of Newry)	1	119,569 3,113	122,682 91,071
Cavan ... ..	1	91,071	122,682
Donegal ... ..	2	168,420	91,071
Fermanagh ... ..	2	61,811	230,231
Londonderry (including the borough of Londonderry)	1	99,822 40,799	115,115
Monaghan ... ..	2	71,395	140,621
Tyrone ... ..	2	142,437	140,621
Down (including part of Newry)	2	196,076 9,340	213,832
		205,416	106,916
	11	1,194,512	102,708
			108,592

*Counties—continued.*

LEINSTER.

Constituency.	Number of Members.	
Dublin ... ..	2	5
{King's County ... ..	1	
{Queen's County ... ..		
{Kildare ... ..	1	
{Wicklow ... ..		
Wexford ... ..	1	10
{Carlow ... ..	1	
{Kilkenny (including Borough of Kilkenny) ... ..		
{Longford ... ..	1	
{Westmeath ... ..		
{Louth ... ..	1	15
{Meath ... ..		
Totals (Leinster Counties) ... ..	8	

MUNSTER.

Constituency.	Number of Members.	
Clare ... ..	1	
{East Limerick ... ..	1	
{Borough of Limerick ... ..		
{Kerry ... ..	2	25
{West Limerick ... ..		
{Cork, South ... ..	1	
{Cork, South-east ... ..		
{Waterford, West ... ..	2	
The remaining five Divisions of Cork ... ..		
{Tipperary, East ... ..	1	30
{Waterford, East ... ..		
{Borough of Waterford ... ..	1	
The remaining three Divisions of Tipperary ... ..		
Totals (Munster Counties) ... ..	9	

Notes.

Counties—continued.

LEINSTER.

Constituency.	Number of Members.	Population.	Population per Member.
Dublin ... ..	2	185,090	92,545
Kings' County ... ..	1 {	56,769	112,128
Queen's County ... ..		55,359	
Kildare ... ..	1 {	66,498	124,477
Wicklow ... ..		57,979	
Wexford ... ..	1	102,023	102,023
Carlow ... ..	1 {	35,154	109,624
Kilkenny (including borough of Kilkenny) ... ..		61,358	
		13,112	
Longford ... ..	1 {	43,794	99,946
Westmeath ... ..		56,152	
Louth ... ..	1 {	63,402	128,322
Meath ... ..		64,920	
	8	861,610	107,701

MUNSTER.

Constituency.	Number of Members.	Population.	Population per Member.
Clare ... ..	1	102,510	102,510
East Limerick ... ..	1 {	47,833	94,558
Borough of Limerick ... ..		46,725	
Kerry ... ..	2 {	159,268	207,556
West Limerick ... ..		48,288	
Cork, South ... ..	1 {	38,848	107,894
Cork, South-East ... ..		39,365	
Waterford, West ... ..		29,681	
The remaining five Divisions of Cork ... ..	2	210,703	105,351
Tipperary East ... ..	1 {	39,295	96,069
Waterford, East ... ..		28,729	
Borough of Waterford ... ..	1 {	28,045	110,582
The remaining three Divisions of Tipperary ... ..	1	110,582	
	9	929,872	103,319

*Counties—continued.*

## CONNAUGHT.

Constituency.							Number of Members.	
Galway (including Galway Borough) ... ..							2	5       10
{	North Mayo	...	...	...	...	...	1	
{	West Mayo	...	...	...	...	...		
{	South Mayo	...	...	...	...	...	1	
{	South Roscommon	...	...	...	...	...		
{	East Mayo	...	...	...	...	...	1	
{	Sligo	...	...	...	...	...		
{	Leitrim	...	...	...	...	...	1	
{	North Roscommon	...	...	...	...	...		
Totals (Connaught Counties) ... ..							6	

TOTAL OF BOROUGH AND COUNTY MEMBERS:—	15
Borough members ... ..	8
County members ... ..	34
Total members ... ..	<u>42</u>

## SECOND SCHEDULE.

STAMP DUTIES WHICH MAY NOT BE ALTERED BY THE IRISH PARLIAMENT. 20

Duties on the following instruments:—

Marketable securities.

Share warrants and stock certificates to bearer (including instruments to bearer on which duty is charged by virtue of sub-section (2) of section four or section five or section six of the Finance Act, 1899). 25

62 and 63 *Vict. c. 9*,

Transfers of stocks, shares and marketable securities (including composition for duty on any such transfers). 30

Bills of Exchange and promissory notes.

Contract notes.

Letters of allotment, letters of renunciation, and scrip certificates.

Statements as to amount of capital of corporations or companies with limited liability, and as to amount of capital contributed by limited partner. 35

Statements as to amount proposed to be secured by issue of loan capital.

Mortgages to secure debenture stock.

Policies of sea insurance. 40

Policies of life insurance.

# Notes.

*Counties—continued.*

## CONNAUGHT.

Constituency.	Number of Members.	Population.	Population per Member.
Galway (including Galway borough) ... ..	2	169,769 15,936	183,705
North Mayo ... ..	1	47,768	
West Mayo ... ..		51,054	98,822
South Mayo ... ..	1	46,875	
South Roscommon ... ..		48,934	95,809
East Mayo ... ..	1	46,714	
Sligo ... ..		82,123	128,837
Leitrim ... ..	1	63,557	
North Roscommon ... ..		44,450	108,007
	6	615,180	

## TOTAL OF BOROUGH AND COUNTY MEMBERS.

	Number of Members.	Population.	Population per Member.
Borough Members ... ..	8	780,777	97,597
County Members ... ..	34	3,601,174	105,916
	42	4,381,951	104,332

THIRD SCHEDULE.

---

PROVISIONS AS TO COMPENSATION OF EXISTING IRISH OFFICERS.

1. (1) If any existing Irish officer who is serving in the civil service of the Crown in an established capacity or who though not so serving in an established capacity devotes his whole time to the duties of his office— 5

(a) retires under the conditions herein-after defined as the statutory conditions of retirement ; or

(b) retires with the permission of the Civil Service Committee given in accordance with this Act ; or 10

(c) is removed from office by the Irish Government before he attains the age of sixty years for any cause other than misconduct or incapacity, or required to retire by the Irish Government before he attains that age for any cause other than as aforesaid ; 15

he shall be entitled to receive such compensation as the Civil Service Committee may award to him in accordance with the provisions of Part I. of the Rules contained in this Schedule if he is serving in an established capacity, and in accordance with the provisions of Part II. of the Rules contained in this Schedule, if though not serving in an established capacity he devotes his whole time to the duties of his office. 20

(2) If any existing Irish officer who is serving in the civil service of the Crown not being an officer who is serving in an established capacity, or an officer who though not serving in an established capacity devotes his whole time to the duties of his office, is removed from office or required to retire by the Irish Government for any cause other than misconduct or incapacity, he shall be entitled to receive such compensation as the Civil Service Committee may award to him in accordance with the provisions of Part II. of the Rules contained in this Schedule. 25 30

2. For the purposes of this Act, the statutory conditions of retirement are that—

(a) Retirement must take place within a period of five years from the passing of this Act (in this Schedule referred to as the transitional period) ; 35

(b) Notice of the intention to retire must be given in the prescribed manner ;



**Notes.**

(c) The retirement must not take place until at least six months after the notice of retirement has been given, and may be postponed by the Civil Service Committee, if they think fit, to any later date within the transitional period; and

(d) The retiring officer must show to the satisfaction of the Civil Service Committee that he is not incapacitated by mental or bodily infirmity for the performance of his duties and that he will not be liable under the existing rules as to age to retire before the end of the transitional period. 5

3. The Civil Service Committee shall not give their permission under this Act to an officer to retire unless that officer shows to the satisfaction of the Committee— 10

(a) that the duties which he is required to perform are neither the same as nor analogous to the duties theretofore performed by him or are an unreasonable addition to those duties; or 15

(b) that his remuneration has been reduced on the ground that his duties have been diminished.

4. (1) For the purpose of the provisions of this Act as to existing officers, petty sessions clerks and officers in the Registry of Petty Sessions Clerks shall be deemed to be officers in the civil service of the Crown, and in the case of officers in the Registry of Petty Sessions Clerks to be officers serving in an established capacity, but any payments to any such officer on account of compensation payable under the provisions of this Act shall, instead of being made out of moneys provided by the Parliament of the United Kingdom, be made out of the Petty Sessions Clerks Fund : 20 25

Provided that if the amount of the Petty Sessions Clerks Fund is at any time by reason of the provisions of this Act insufficient to meet any payments charged on it under this or any other Act, the deficiency shall be charged on and paid out of the Irish Consolidated Fund, and made good to the Irish Consolidated Fund out of the Petty Sessions Clerks Fund as the state of that fund allows. 30

This provision shall apply to the pensionable assistants of the petty sessions clerks at Cork and Belfast as it applies to the petty sessions clerks. 35

#### RULES—PART I.

##### OFFICERS SERVING IN THE CIVIL SERVICE OF THE CROWN IN AN ESTABLISHED CAPACITY.

###### *A.—On Retirement under the Statutory Conditions of Retirement.*

1. The compensation which may be awarded to the officer shall be an annual allowance, not exceeding in any case two-thirds of the 40

Notes.

salary on which the allowance is reckoned, or, if he has completed less than ten years of service as reckoned for the purposes of this provision, a gratuity.

2. The annual allowance or gratuity shall be calculated in like manner as the superannuation allowance or gratuity which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1909, if he retired on the ground of ill-health, save that for the purposes of that calculation, the following provisions shall have effect, that is to say :— 5

(a) His years of service shall be reckoned as if he had served up to the end of the transitional period, and there shall be added any additional years which he may be entitled to reckon under section four of the Superannuation Act, 1859 : 10

(b) His salary, where there are periodical increments, shall be taken at the amount which it would have reached if he had continued to serve in the same office up to the end of the transitional period. 15

*B.—On retirement with the permission of the Civil Service Committee under this Act or on being removed from office or required to retire by the Irish Government before attaining the age of sixty years for any cause other than misconduct or incapacity.* 20

1. The compensation which may be awarded to the officer shall be an annual allowance not exceeding in any case two-thirds of the salary on which the allowance is reckoned. 25

2. The annual allowance shall be calculated in like manner as the superannuation allowance which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1909, if he retired on the ground of ill-health, save that for the purposes of such calculation, the following provisions shall have effect, that is to say :— 30

(a) Where the officer retires or is removed after the end of the transitional period, ten years shall be added as abolition years to the years of service which he would be entitled to reckon for the purposes of such superannuation allowance :

(b) Where the officer retires or is removed during the transitional period his years of service shall be reckoned, and the amount of his salary shall be computed in the same manner as is provided in this Part of these Rules in the case of an officer retiring under the statutory conditions of retirement, and ten years shall be added as abolition years to the years of service so reckoned : 35 40

**Notes.**

- (c) Where the officer has been permitted by the Civil Service Committee to retire on account of reduction of salary, his salary shall be taken at its amount prior to the reduction :

Provided that—

- (i) Where an officer at the time of leaving the service has attained the age of thirty years but has not attained the age of thirty-six years, the abolition years to be added for the purpose of this article shall be seven years instead of ten, and where an officer at the time of leaving the service has not attained the age of thirty years, or where, whatever his age, his years of service as reckoned for the purposes of this article, exclusive of the abolition years, are less than ten, the abolition years to be added for those purposes shall be five years instead of ten ; and
- (ii) No abolition years shall be added in excess of the difference between the age of an officer at the time of his leaving the service and the age at which he would be liable to leave the service under the existing rules as to age.

*C.—Officers to whom the Superannuation Act, 1909, applies.*

1. An officer to whom the Superannuation Act, 1909, applies by reason only of his having elected to adopt the provisions of that Act shall, if he so requires, be treated for the purpose of the determination of his compensation under this Schedule as if he had not so elected.

2. As respects any such officer who does not require his compensation to be determined as aforesaid, and any other officer to whom the Superannuation Act, 1909, applies, the provisions contained in Heads A. and B. of this Part of these Rules shall have effect subject to the following modifications, that is to say :—

- (a) The annual allowance or gratuity awarded to the officer shall be calculated on the proportion of salary prescribed by subsection (1) of section one of the Superannuation Act, 1909, instead of the proportion prescribed by section two of the Superannuation Act, 1859, and the annual allowance which may be awarded to the officer shall not in any case exceed one-half of the salary on which the allowance is calculated :
- (b) In addition to the annual allowance or gratuity there may be awarded to the officer an additional allowance calculated in like manner as an additional allowance under the Superannuation Act, 1909, and for the purposes of that calculation

## Notes.

his years of service and salary shall be reckoned and computed as in the case of his annual allowance or gratuity, but the additional allowance so awarded shall not exceed one and a half times the amount of the salary on which the allowance is calculated, except in the case of an officer to whom the Superannuation Act, 1909, applies by reason of his having elected to adopt its provisions, and then only to the extent specified in section three of that Act. 5

## RULES—PART II.

### OFFICERS SERVING IN THE CIVIL SERVICE OF THE CROWN WHO ARE NOT SERVING IN AN ESTABLISHED CAPACITY. 10

1. The compensation which may be awarded to the officer shall be such gratuity or annual allowance (if any) as the Civil Service Committee think just having regard to the following considerations, that is to say :— 15

- (a) The conditions on which the officer was appointed ;
- (b) The nature and duration of his employment ;
- (c) In the case of officers who do not devote their whole time to the duties of their office, the amount of time so devoted ;
- (d) The circumstances in which he is leaving the service ; 20
- (e) The compensation which might have been awarded to him on leaving the service in similar circumstances if Part I. of these Rules had applied to him ;
- (f) Any offer made to him of another office or employment under the Irish Government ; 25
- (g) The probability (if any) of his having continued in office for a longer period but for the passing of this Act ; and
- (h) Any other circumstances affecting his case.

2. The compensation shall in every case be less than the compensation which might under Part I. of these Rules have been awarded to the officer on leaving the service in similar circumstances if that Part of these Rules had applied to him. 30



Notes.

FOURTH SCHEDULE.

PROVISION AS TO COMPENSATION OF MEMBERS OF THE ROYAL  
IRISH CONSTABULARY AND DUBLIN METROPOLITAN POLICE.

Any officer or constable who after the day of transfer is required to retire for any cause other than misconduct, and is not incapacitated for the performance of his duty by mental or bodily infirmity, shall, unless he is qualified for the maximum pension that can be granted to him for length of service only under the enactments aforesaid, be entitled to receive such compensation as may be awarded to him by the Lord Lieutenant in accordance with the Rules contained in this Schedule. 5 10

RULES.

1. The compensation which may be awarded to an officer or constable shall be an annual allowance.

2. The annual allowance shall be calculated in like manner as the pension which the officer or constable would have been entitled to receive under the enactments applicable to him if he had retired voluntarily and had been qualified in respect of his length of service, for a pension, save that for the purposes of that calculation the following provisions shall have effect :— 15 20

(a) There shall be added to his completed years of actual service if the proportion of salary on which his allowance is calculated is one-fiftieth, ten years, and if that proportion is one-sixtieth, twelve years, but any such addition of years shall not affect the amount of salary in respect of which his annual allowance is to be calculated; and 25

(b) If he has, in addition to his completed years of actual service served for a period exceeding six months, his service for that period shall be reckoned as a completed year of actual service. 30

3. The allowance awarded to an officer or constable shall in no case exceed the maximum pension which could under the enactments applicable to him have been awarded to him if he had retired for length of service only.

4. In the event of a constable dying within one year after an annual allowance had been awarded to him under this Schedule, the Lord Lieutenant may, if he thinks fit, grant an annuity to the widow or children of the constable in like manner as if the allowance were a pension granted to the constable on retirement. 35

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THE HOME RULE BILL, 1912, COMPARED  
WITH THE PREVIOUS BILLS.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893. As amended
<p>Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :</p>	<p>WHEREAS it is expedient that without impairing or restricting the supreme authority of Parliament, an Irish Legislature should be created for such purposes in Ireland as in this Act mentioned :</p> <p>Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :</p>
<h2 style="text-align: center;">LEGISLATIVE AUTHORITY.</h2>	
<h3 style="text-align: center;"><i>Establishment of Irish Parliament.</i></h3>	
<p>1. (1) On and after the appointed day there shall be in Ireland an Irish Parliament consisting of His Majesty the King and two Houses, namely the Irish Senate and the Irish House of Commons.</p>	<p>1. On and after the appointed day there shall be in Ireland a Legislature consisting of Her Majesty the Queen and of two Houses, the Legislative Council and the Legislative Assembly.</p>
<p>(2) Notwithstanding the establishment of the Irish Parliament or anything contained in this Act, the supreme power and authority of the Parliament of the United Kingdom shall remain unaffected and undiminished over all persons, matters, and things within His Majesty's dominions.</p>	<p>2 (Part of) Provided that, notwithstanding anything in this Act contained, the supreme power and authority of the Parliament of the United Kingdom of Great Britain and Ireland shall remain unaffected and undiminished over all persons, matters, and things within the Queen's dominions.</p>
<h3 style="text-align: center;"><i>Legislative Powers of Irish Parliament.</i></h3>	
<p>2. Subject to the provisions of this Act, the Irish Parliament shall have power to make laws for the peace, order, and good government of Ireland with the following limitations, namely, that they shall not have power to make laws except in respect of matters exclusively relating to Ireland or some part thereof, and (without prejudice to that general limitation) that they shall not have power to make laws in respect of the following matters in particular, or any of them, namely—</p>	<p>2. With the exceptions and subject to the restrictions in this Act mentioned, there shall be granted to the Irish Legislature power to make laws for the peace, order, and good government of Ireland in respect of matters exclusively relating to Ireland or some part thereof.</p> <p>3. The Irish Legislature shall not have power to make laws in respect of the following matters or any of them :—</p>
<p>(1) The Crown, or the succession to the Crown, or a Regency ; or the Lord Lieutenant except as respects the exercise of his executive power in relation to Irish services as defined for the purposes of this Act ; or</p> <p>(2) The making of peace or war or matters arising from a state of war ; or the regulation of the conduct of any portion of His Majesty's subjects during the existence of hostilities between Foreign States with which His Majesty is at peace, in relation to those hostilities ; or</p> <p>(3) The navy, the army, the territorial force, or any other naval or military force, or the defence of the realm, or any other naval or military matter ; or</p>	<p>(1) The Crown, or the succession to the Crown, or a Regency ; or the Lord Lieutenant as representative of the Crown ; or</p> <p>(2) The making of peace or war or matters arising from a state of war ; or the regulation of the conduct of any portion of Her Majesty's subjects during the existence of hostilities between foreign States with which Her Majesty is at peace, in respect of such hostilities ; or</p> <p>(3) Navy, army, militia, volunteers, and any other military forces, or the defence of the realm, or forts, permanent military camps, magazines, arsenals, dock-yards, and other needful buildings, or any places purchased for the erection thereof ; or</p> <p>(4) Authorising either the carrying or using of arms for military purposes, or the formation of associations for drill or</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893. As introduced.	1886.
<p>WHEREAS it is expedient that without impairing or restricting the supreme authority of Parliament, an Irish Legislature should be created for such purposes in Ireland as in this Act mentioned :</p>	
<p>Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :</p>	<p>BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :</p>
<p>1. <i>On and after the appointed day</i> there shall be in Ireland a Legislature consisting of Her Majesty the Queen and of two Houses, the Legislative Council and the Legislative Assembly.</p>	<p>1. On and after the appointed day there shall be established in Ireland a Legislature consisting of Her Majesty the Queen and an Irish Legislative Body.</p>
<p>2. With the exceptions and subject to the restrictions in this Act mentioned, there shall be granted to the Irish Legislature power to make laws for the peace, order, and good government of Ireland in respect of matters exclusively relating to Ireland or some part thereof.</p>	<p>2. With the exceptions and subject to the restrictions in this Act mentioned, it shall be lawful for Her Majesty the Queen, by and with the advice of the Irish Legislative Body, to make laws for the peace, order, and good government of Ireland, and by any such law to alter and repeal any law in Ireland.</p>
<p>3. The Irish Legislature shall not have power to make laws in respect of the following matters or any of them :—</p>	<p>3. The Legislature of Ireland shall not make laws relating to the following matters or any of them :—</p>
<p>(1) The Crown, or the succession to the Crown, or a Regency ; or the Lord Lieutenant as representative of the Crown ; or</p>	<p>(1) The status or dignity of the Crown, or the succession to the Crown, or a Regency ;</p>
<p>(2) The making of peace or war or matters arising from a state of war ; or</p>	<p>(2) The making of peace or war ;</p>
<p>(3) Naval or military forces, or the defence of the realm ; or</p>	<p>(3) The army, navy, militia, volunteers or other military or naval forces, or the defence of the realm ;</p>

# THE HOME RULE BILL, 1912. COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
<p>(4) Treaties, or any relations, with Foreign States, or relations with other parts of His Majesty's dominions, or offences connected with any such treaties or relations, or procedure connected with the extradition of criminals under any treaty, or the return of fugitive offenders from or to any part of His Majesty's dominions; or</p> <p>(5) Dignities or titles of honour; or</p> <p>(6) Treason, treason felony, alienage, naturalisation, or aliens as such; or</p> <p>(7) Trade with any place out of Ireland (except so far as trade may be affected by the exercise of the powers of taxation given to the Irish Parliament, or by the regulation of importation for the sole purpose of preventing contagious disease); quarantine; or navigation, including merchant shipping (except as respects inland waters and local health or harbour regulations); or</p> <p>(8) Lighthouses, buoys, or beacons (except so far as they can consistently with any general Act of the Parliament of the United Kingdom be constructed or maintained by a local harbour authority); or</p> <p>(9) Coinage; legal tender; or any change in the standard of weights and measures; or</p> <p>(10) Trade marks, designs, merchandise marks, copyright, or patent rights; or</p> <p>(11) Any of the following matters (in this Act referred to as reserved matters), namely—</p> <p>(a) The general subject-matter of the Acts relating to Land Purchase in Ireland, the Old Age Pensions Acts, 1908 and 1911, the National Insurance Act, 1911, and the Labour Exchanges Act, 1909;</p> <p>(b) The collection of taxes;</p> <p>(c) The Royal Irish Constabulary and the management and control of that force;</p> <p>(d) Post Office Savings Banks, Trustee Savings Banks, and Friendly Societies; and</p> <p>(e) Public loans made in Ireland</p>	<p>practice in the use of arms for military purposes; or</p> <p>(5) Treaties or any relations with foreign States, or the relations between different parts of Her Majesty's dominions, or offences connected with such treaties or relations, or procedure connected with the extradition of criminals under any treaty; or</p> <p>(6) Dignities or titles of honour; or</p> <p>(7) Treason, treason-felony, alienage, aliens as such, or naturalization; or</p> <p>(8) Trade with any place out of Ireland; or quarantine, or navigation, including merchant shipping (except as respects inland waters and local health or harbour regulations); or</p> <p>(9) Lighthouses, buoys, or beacons within the meaning of the Merchant Shipping Act, 1854, and the Acts amending the same (except so far as they can consistently with any general Act of Parliament be constructed or maintained by a local harbour authority); or</p> <p>(10) Coinage; legal tender; or any change in the standard of weights and measures; or</p> <p>(11) Trade marks, designs, merchandise marks, copyright, or patent rights.</p>



# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893, As introduced.	1886.
(4) Treaties and other relations with foreign States or the relations between different parts of Her Majesty's dominions or offences connected with such treaties or relations ; or	(4) Treaties and other relations with foreign States, or the relations between the various parts of Her Majesty's dominions ;
(5) Dignities or titles of honour ; or  (6) Treason, treason-felony, alienage, or naturalization ; or (7) Trade with any place out of Ireland ; or quarantine, or navigation (except as respects inland waters and local health or harbour regulations) ; or	(5) Dignities or titles of honour ; (6) Prize or booty of war ; (7) Offences against the law of nations ; or offences committed in violation of any treaty made, or hereafter to be made, between Her Majesty and any foreign State ; or offences committed on the high seas ; (8) Treason, alienage, or naturalization ; (9) Trade, navigation, or quarantine ;
(8) Beacons, lighthouses, or sea marks (except so far as they can consistently with any general Act of Parliament be constructed or maintained by a local harbour authority) ; or	(10) The postal and telegraph service, except as hereafter in this Act mentioned with respect to the transmission of letters and telegrams in Ireland ; (11) Beacons, lighthouses, or sea marks ;
(9) Coinage ; legal tender ; or the standard of weights and measures ; or (10) Trade marks, merchandise marks, copyright, or patent rights.	(12) The coinage ; the value of foreign money ; legal tender ; or weights and measures ; or (13) Copyright, patent rights, or other exclusive rights to the use or profits of any works or inventions.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893. As amended.
<p style="text-align: center;"><i>before the passing of this Act :</i></p> <p>Provided that the limitation on the powers of the Irish Parliament under this section shall cease as respects any such reserved matter if the corresponding reserved service is transferred to the Irish Government under the provisions of this Act.</p> <p>Any law made in contravention of the limitations imposed by this section shall, so far as it contravenes those limitations, be void.</p> <p style="text-align: center;"><i>Prohibition of Laws interfering with Religious Equality, etc.</i></p> <p>3. In the exercise of their power to make laws under this Act the Irish Parliament shall not make a law so as either directly or indirectly to establish or endow any religion, or prohibit the free exercise thereof, or give a preference, privilege, or advantage, or impose any disability or disadvantage, on account of religious belief or religious or ecclesiastical status, or make any religious belief or religious ceremony a condition of the validity of any marriage.</p>	<p>Provided always, that nothing in this section shall prevent the passing of any Irish Act to provide for any charges imposed by Act of Parliament, or to prescribe conditions regulating importation from any place outside Ireland for the sole purpose of preventing the introduction of any contagious disease.</p> <p>It is hereby declared that the exceptions from the powers of the Irish Legislature contained in this section are set forth and enumerated for greater certainty, and not so as to restrict the generality of the limitation imposed in the previous section on the powers of the Irish Legislature.</p> <p>Any law made in contravention of this section shall be void.</p> <p>4. The powers of the Irish Legislature shall not extend to the making of any law—</p> <ol style="list-style-type: none"> <li>(1) Respecting the establishment or endowment of religion, whether directly or indirectly, or prohibiting the free exercise thereof ; or</li> <li>(2) Imposing any disability, or conferring any privilege, advantage, or benefit, on account of religious belief, [or raising or appropriating directly or indirectly, save as heretofore, any public revenue for any religious purpose, or for the benefit of the holder of any religious office as such ; or</li> <li>(3) Diverting the property or without its consent altering the constitution of any religious body ; or</li> <li>(4) Abrogating or prejudicially affecting the right to establish or maintain any place of denominational education or any denominational institution or charity ; or</li> <li>(5) Whereby there may be established and endowed out of public funds any theological professorship or any university or college in which the conditions set out in the University of Dublin Tests Act, 1873, are not observed ; or</li> <li>(6) Prejudicially affecting the right of any child to attend a school receiving public money, without attending the religious instruction at that school ; or</li> <li>(7) Directly or indirectly imposing any disability, or conferring any privilege, benefit, or advantage upon any subject</li> </ol>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893, As introduced.	1886.
<p>Any law made in contravention of this section shall be void.</p> <p>4. The powers of the Irish Legislature shall not extend to the making of any law—</p> <p>(1) Respecting the establishment or endowment of religion, or prohibiting the free exercise thereof ; or</p> <p>(2) Imposing any disability, or conferring any privilege, on account of religious belief ; or</p> <p>(3) Abrogating or prejudicially affecting the right to establish or maintain any place of denominational education or any denominational institution or charity ; or</p> <p>(4) Prejudicially affecting the right of any child to attend a school receiving public money, without attending the religious instruction at that school ; or</p>	<p>Any law made in contravention of this section shall be void.</p> <p>4. The Irish Legislature shall not make <b>any</b> law—</p> <p>(1) Respecting the establishment or endowment of religion, or prohibiting the free exercise thereof ; or</p> <p>(2) Imposing any disability, or conferring any privilege, on account of religious belief ; or</p> <p>(3) Abrogating or derogating from the right to establish or maintain any place of denominational education or any denominational institution or charity ; or</p> <p>(4) Prejudicially affecting the right of <b>any</b> child to attend a school receiving public money without attending the religious instruction at that school ; or</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
	<p>of the Crown on account of his parentage or place of birth, or of the place where any part of his business is carried on, or upon any corporation or institution constituted or existing by virtue of the law of some part of the Queen's dominions, and carrying on operations in Ireland, on account of the persons by whom or in whose favour or the place in which any of its operations are carried on ; or</p> <p>(8) Whereby any person may be deprived of life, liberty, or property without due process of law in accordance with settled principles and precedents, or may be denied the equal protection of the laws, or whereby private property may be taken without just compensation ; or</p> <p>(9) Whereby any existing corporation incorporated by Royal Charter or by any local or general Act of Parliament may, unless it consents, or the leave of Her Majesty is first obtained on address from the two Houses of the Irish Legislature, be deprived of its rights, privileges, or property without due process of law in accordance with settled principles and precedents, and so far as respects property without just compensation. Provided nothing in this subsection shall prevent the Irish Legislature from dealing with any public department, municipal corporation, or local authority, or with any corporation administering for public purposes taxes, rates, cess, dues, or tolls, so far as concerns the same.]</p>
<p>Any law made in contravention of the restrictions imposed by this section shall, so far as it contravenes those restrictions, be void.</p>	<p>Any law made in contravention of this section shall be void.</p>
<p>EXECUTIVE AUTHORITY.</p>	
<p><i>Executive Power in Ireland.</i></p>	
<p>4. (1) The executive power in Ireland shall continue vested in His Majesty the King, and nothing in this Act shall affect the exercise of that power except as respects Irish services as defined for the purposes of this Act.</p>	<p>5. (1) The executive power in Ireland shall continue vested in Her Majesty the Queen,</p>
<p>(2) As respects those Irish services the Lord Lieutenant or other chief executive officer or officers for the time being appointed in his place, on behalf of His Majesty, shall exercise any prerogative or other executive power of His Majesty the exercise of which may be delegated to him by His Majesty.</p>	<p>and the Lord Lieutenant, or other chief executive officer or officers for the time being appointed in his place, on behalf of Her Majesty, shall exercise any prerogatives or other executive power of the Queen, the exercise of which may be delegated to him by Her Majesty. * * * * *</p> <p>and every instrument conveying any such delegation of any prerogative or other executive power shall be presented to the two Houses of Parliament as soon as conveniently may be. Provided always that the lieutenants of counties shall be appointed</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893,  
As introduced.

1886.

(5) Whereby any person may be deprived of life, liberty, or property without due process of law, or may be denied the equal protection of the laws, or whereby private property may be taken without just compensation ; or

(6) Whereby any existing corporation incorporated by Royal Charter or by any local or general Act of Parliament (not being a corporation raising for public purposes, taxes, rates, cess, dues, or tolls, or administering funds so raised) may, unless it consents, or the leave of Her Majesty is first obtained on address from the two Houses of the Irish Legislature, be deprived of its rights, privileges, or property without due process of law ; or  
(7) Whereby any inhabitant of the United Kingdom may be deprived of equal rights as respects public sea fisheries.

Any law made in contravention of this section shall be void.

5. (1) The executive power in Ireland shall continue vested in Her Majesty the Queen,

and the Lord Lieutenant, on behalf of Her Majesty, shall exercise any prerogatives or other executive power of the Queen, the exercise of which may be delegated to him by Her Majesty.

(5) Impairing, without either the leave of Her Majesty in Council first obtained on an address presented by the Legislative Body of Ireland, or the consent of the corporation interested, the rights, property, or privileges of any existing corporation incorporated by royal charter or local and general Act of Parliament ; or

(6) Imposing or relating to duties of customs and duties of excise, as defined by this Act, or either of such duties or affecting any Act relating to such duties or either of them ; or

(7) Affecting this Act, except in so far as it is declared to be alterable by the Irish Legislature.

7. (1) The Executive Government of Ireland shall continue vested in Her Majesty,

and shall be carried on by the Lord Lieutenant on behalf of Her Majesty with the aid of such officers and such council as to Her Majesty may from time to time seem fit.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
<p>(3) The power so delegated shall be exercised through such Irish Departments as may be established by Irish Act or, subject thereto, by the Lord Lieutenant, and the Lord Lieutenant may appoint officers to administer those Departments, and those officers shall hold office during the pleasure of the Lord Lieutenant.</p>	<p>by the Lord Lieutenant of Ireland as representing Her Majesty.</p>
<p>(4) The persons who are for the time being heads of such Irish Departments as may be determined by Irish Act or, in the absence of any such determination, by the Lord Lieutenant, and such other persons (if any) as the Lord Lieutenant may appoint, shall be the Irish Ministers.</p>	
<p>Provided that—</p>	
<p>(a) No such person shall be an Irish Minister unless he is a member of the Privy Council of Ireland; and</p>	
<p>(b) No such person shall hold office as an Irish Minister for a longer period than six months, unless he is or becomes a member of one of the Houses of the Irish Parliament; and</p>	
<p>(c) Any such person not being the head of an Irish Department shall hold office as an Irish Minister during the pleasure of the Lord Lieutenant in the same manner as the head of an Irish Department holds his office.</p>	
<p>(5) The persons who are Irish Ministers for the time being shall be an Executive Committee of the Privy Council of Ireland (in this Act referred to as the "Executive Committee"), to aid and advise the Lord Lieutenant in the exercise of his executive power in relation to Irish services.</p>	<p>(2) There shall be an Executive Committee of the Privy Council of Ireland to aid and advise in the Government of Ireland, being of such numbers, and comprising persons holding such offices under the Crown as Her Majesty or, if so authorised, the Lord Lieutenant may think fit, save as may be otherwise directed by Irish Act.</p>
<p>(6) For the purposes of this Act, "Irish services" are all public services in connection with the administration of the civil government of Ireland except the administration of matters with respect to which the Irish Parliament have no power to make laws, including in the exception all public services in connection with the administration of the reserved matters (in this Act referred to as "reserved services").</p>	
<p><i>Future Transfer of Certain Reserved Services.</i></p>	
<p>5. (1) The public services in connection with the administration of the Acts relating</p>	<p>29. (1) The forces of the Royal Irish Constabulary and Dublin Metropolitan Police</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893, As introduced.	1883.
<p>(2) There shall be an Executive Committee of the Privy Council of Ireland to aid and advise in the government of Ireland, being of such numbers, and comprising persons holding such offices, as Her Majesty may think fit, or as may be directed by Irish Act.</p>	
<p>30. (1) The forces of the Royal Irish Constabulary and Dublin Metropolitan Police</p>	<p>21. The following regulations shall be made with respect to police in Ireland ;</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893,  
As amended.

to the Royal Irish Constabulary and the management and control of that force, shall by virtue of this Act be transferred from the Government of the United Kingdom to the Irish Government on the expiration of a period of six years from the appointed day and those public services shall then cease to be reserved services and become Irish services.

(2) If a resolution is passed by both Houses of the Irish Parliament providing for the transfer from the Government of the United Kingdom to the Irish Government of the following reserved services, namely—

- (a) All public services in connection with the administration of the Old Age Pensions Acts, 1908 and 1911; or
- (b) All public services in connection with the administration of Part I. of the National Insurance Act, 1911; or
- (c) All public services in connection with the administration of Part II. of the National Insurance Act, 1911, and the Labour Exchanges Act, 1909; or
- (d) All public services in connection with the administration of Post Office Savings Banks, Trustee Savings Banks, and Friendly Societies;

the public services to which the resolution relates shall be transferred accordingly as from a date fixed by the resolution, being a date not less than a year after the date on which the resolution is passed, and shall on the transfer taking effect cease to be reserved services and become Irish services:

Provided that this provision shall not take effect as respects the transfer of the services in connection with Post Office Savings Banks, Trustee Savings Banks, and Friendly Societies until the expiration of ten years from the appointed day.

(3) On any transfer under or by virtue of this section, the transitory provisions of this Act (so far as applicable) and the provisions of this Act as to existing Irish officers shall apply with respect to the transfer, with the substitution of the date of the transfer for the appointed day, and of a period of five years from that date for the transitional period.

## IRISH PARLIAMENT.

### *Summoning of Irish Parliament.*

6. (1) There shall be a session of the Irish Parliament once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one session and their first sitting in the next session.

(2) The Lord Lieutenant shall, in His Majesty's name, summon, prorogue, and dissolve the Irish Parliament.

shall, when and as local police forces are from time to time established in Ireland in accordance with the Fifth Schedule to this Act, be gradually reduced and ultimately cease to exist as mentioned in that schedule; and thereupon the Acts relating to such forces shall be repealed, and no forces organised and armed in like manner, or otherwise than according to the accustomed manner of a civil police, shall be created under any Irish Act; and after the passing of this Act, no officer or man shall be appointed to either of those forces:-

Provided that until the expiration of six years from the appointed day, nothing in this Act shall require the Lord Lieutenant to cause either of the said forces to cease to exist, if as representing Her Majesty the Queen he considers it inexpedient.

5. (Part of) and *(the Lord Lieutenant)* shall, in Her Majesty's name, summon, at least once in every year, prorogue, and dissolve the Irish Legislature:



# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893, As introduced.	1886.
<p>shall, when and as local police forces are from time to time established in Ireland in accordance with the Sixth Schedule to this Act, be gradually reduced and ultimately cease to exist as mentioned in that schedule; and after the passing of this Act, no officer or man shall be appointed to either of those forces;</p> <p>Provided that until the expiration of <i>six</i> years from the appointed day, nothing in this Act shall require the Lord Lieutenant to cause either of the said forces to cease to exist, if as representing Her Majesty the Queen he considers it inexpedient.</p>	<p>(a) The Dublin Metropolitan Police shall continue and be subject as heretofore to the control of the Lord Lieutenant as representing Her Majesty for a period of <i>two years</i> from the passing of this Act, and thereafter until any alteration is made by Act of the Legislature of Ireland, but such Act shall provide for the proper saving of all then existing interests, whether as regards pay, pensions, superannuation allowances, or otherwise.</p> <p>(b) The Royal Irish Constabulary shall, while that force subsists, continue and be subject as heretofore to the control of the Lord Lieutenant as representing Her Majesty.</p> <p>(c) The Irish Legislature may provide for the establishment and maintenance of a police force in counties and boroughs in Ireland under the control of local authorities, and arrangements may be made between the Treasury and the Irish Government for the establishment and maintenance of police reserves.</p>

5. (Part of) and (*the Lord Lieutenant*) shall, in Her Majesty's name, summon, prorogue, and dissolve the Irish Legislature.

5. Her Majesty the Queen shall have the same prerogatives with respect to summoning, proroguing, and dissolving the Irish Legislative Body as Her Majesty has with

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893. As amended.
<p><i>Royal Assent to Bills of Irish Parliament.</i></p> <p>7. The Lord Lieutenant shall give or withhold the assent of His Majesty to Bills passed by the two Houses of the Irish Parliament, subject to the following limitations namely :—</p> <p>(1) He shall comply with any instructions given by His Majesty in respect of any such Bill ; and</p> <p>(2) He shall, if so directed by His Majesty, postpone giving the assent of His Majesty to any such Bill presented to him for assent for such period as His Majesty may direct.</p>	<p>5 (3) The Lord Lieutenant shall, on the advice of the said Executive Committee, give or withhold the assent of Her Majesty to Bills passed by the two Houses of the Irish Legislature, subject nevertheless to any instructions given by Her Majesty in respect of any such Bill.</p>
<p><i>Composition of Irish Senate.</i></p> <p>8. (1) The Irish Senate shall consist of forty senators nominated as respects the first senators by the Lord Lieutenant subject to any instructions given by His Majesty in respect of the nomination, and afterwards by the Lord Lieutenant on the advice of the Executive Committee.</p>	<p>7. (1) The Irish Legislative Council shall consist of forty-eight councillors.</p> <p>(2) Each of the constituencies mentioned in the First Schedule to this Act shall return the number of councillors named opposite thereto in that schedule.</p> <p>(3) Every man shall be entitled to be registered as an elector, and when registered to vote at an election, of a councillor for a constituency, who owns or occupies any land or tenement in the constituency of a rateable value of more than twenty pounds, subject to the like conditions as a man is entitled at the passing of this Act to be registered and vote as a parliamentary elector in respect of an ownership qualification or of the qualification specified in section five of the Representation of the People Act, 1884, as the case may be : Provided that a man shall not be entitled to be registered, nor if registered to vote, at an election of a councillor in more than one constituency in the same year.</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893. As introduced.	1886.
<p>5. (3) The Lord Lieutenant shall, on the advice of the said Executive Committee, give or withhold the assent of Her Majesty to Bills passed by the two Houses of the Irish Legislature, subject nevertheless to any instructions given by Her Majesty in respect of any such Bill.</p>	<p>respect to summoning, proroguing, and dissolving the Imperial Parliament.</p> <p>7 (2) Subject to any instructions which may from time to time be given by Her Majesty, the Lord Lieutenant shall give or withhold the assent of Her Majesty to Bills passed by the Irish Legislative Body, and shall exercise the prerogatives of Her Majesty in respect of the summoning, proroguing, and dissolving of the Irish Legislative Body, and any prerogatives the exercise of which may be delegated to him by Her Majesty.</p>
<p>6. (1) The Irish Legislative Council shall consist of <i>forty-eight</i> councillors.</p> <p>(2) Each of the constituencies mentioned in the First Schedule to this Act shall return the number of councillors named opposite thereto in the schedule.</p> <p>(3) Every man shall be entitled to be registered as an elector, and when registered to vote at an election, of a councillor for a constituency, who owns or occupies any land or tenement in the constituency of a rateable value of more than <i>twenty</i> pounds, subject to the like conditions as a man is entitled at the passing of this Act to be registered and vote as a parliamentary elector in respect of an ownership qualification or of the qualification specified in section five of the Representation of the People Act, 1884, as the case may be; Provided that a man shall not be entitled to be registered, nor if registered to vote, at an election of a councillor in more than one constituency in the same year.</p>	<p>9. (1) The Irish<sup>s</sup> Legislative Body shall consist of a first and second order.</p> <p>(2) The two orders shall deliberate together, and shall vote together, except that, if any question arises in relation to legislation or to the Standing Orders or Rules of Procedure or to any other matter in that behalf in this Act specified, and such question is to be determined by vote, each order shall, if a majority of the members present of either order demand a separate vote, give their votes in like manner as if they were separate Legislative Bodies; and if the result of the voting of the two orders does not agree the question shall be resolved in the negative.</p> <p>10. (1) The first order of the Irish Legislative Body shall consist of one hundred and three members, of whom seventy-five shall be elective members and twenty-eight peerage members.</p> <p>(2) Each elective member shall at the date of his election and during his period of membership be <i>bona fide</i> possessed of property which—</p> <p>(a) if realty, or partly realty and partly personalty, yields two hundred pounds a year or upwards, free of all charges; or</p> <p>(b) if personalty yields the same income, or is of the capital value of four thousand pounds or upwards, free of all charges.</p> <p>(2) For the purpose of electing the elective members of the first order of the Legislative Body, Ireland shall be divided into the electoral districts specified in the first Schedule to this Act, and each such district shall return the number of members in that behalf specified in that Schedule.</p> <p>(3) The elective members shall be elected by the registered electors of each electoral district, and for that purpose a register of electors shall be made annually.</p> <p>(4) An elector in each electoral district shall be qualified as follows, that is to say, he shall be of full age, and not subject to any</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893,  
As amended.

(2) The term of office of every senator shall be eight years, and shall not be affected by a dissolution ; one-fourth of the senators shall retire in every second year, and their seats shall be filled by a new nomination.

(3) If the place of a senator becomes vacant before the expiration of his term of office, the Lord Lieutenant shall, unless the place becomes vacant not more than six months before the expiration of that term of office, nominate a senator in the stead of the senator whose place is vacant, but any senator so nominated to fill a vacancy shall hold office only so long as the senator in whose stead he is nominated would have held office.

(4) The term of office of every councillor shall be eight years, and shall not be affected by a dissolution ; and one half of the councillors shall retire in every fourth year, and their seats shall be filled by a new election.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893, As introduced.	1886.
<p>(4) The term of office of every councillor shall be <i>eight</i> years, and shall not be affected by a dissolution; and one <i>half</i> of the councillors shall retire in every <i>fourth</i> year, and their seats shall be filled by a new election.</p>	<p>legal incapacity, and shall have been during the twelve months next preceding the <i>twentieth day of July</i> in any year the owner or occupier of some land or tenement within the district of a net annual value of twenty-five pounds or upwards.</p> <p>(5) The term of office of an elective member shall be <i>ten years</i>.</p> <p>(6) In every fifth year thirty-seven or thirty-eight of the elective members, as the case requires, shall retire from office, and their places shall be filled by election; the members to retire shall be those who have been members for the longest time without re-election.</p> <p>(7) The offices of the peerage members shall be filled as follows; that is to say,—</p> <p>(a) Each of the Irish peers who on the appointed day is one of the twenty-eight Irish representative peers, shall, on giving his written assent to the Lord Lieutenant, become a peerage member of the first order of the Irish Legislative Body; and if at any time within <i>thirty years</i> after the appointed day any such peer vacates his office by death or resignation, the vacancy shall be filled by the election to that office by the Irish peers of one of their number in manner heretofore in use respecting the election of Irish representative peers, subject to adaptation as provided by this Act, and if the vacancy is not so filled within the proper time it shall be filled by the election of an elective member.</p> <p>(b) If any of the twenty-eight peers aforesaid does not within <i>one month</i> after the appointed day give such assent to be a peerage member of the first order, the vacancy so created shall be filled up as if he had assented and vacated his office by resignation.</p> <p>(8) A peerage member shall be entitled to hold office during his life or until the expiration of <i>thirty years</i> from the appointed day, whichever period is the shortest. At the expiration of such <i>thirty years</i> the offices of all the peerage members shall be vacated as if they were dead, and their places shall be filled by elective members qualified and elected in manner provided by this Act with respect to elective members of the first order, and such elective members may be distributed by the Irish Legislature among the electoral districts, so, however, that care shall be taken to give additional members to the most populous places.</p> <p>(9) The offices of members of the first order shall not be vacated by the dissolution of the Legislative Body.</p> <p>(10) The provisions in the Second Schedule to this Act relating to members of the first order of the Legislative Body shall be of the same force as if they were enacted in the body of this Act.</p>

THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS  
BILLS.

1912.	1893, As amended.
<i>Composition of Irish House of Commons.</i>	
<p>9. (1) The Irish House of Commons shall consist of one hundred and sixty-four members, returned by the constituencies in Ireland named in the First Part of the First Schedule to this Act in accordance with that schedule, and elected by the same electors and in the same manner as members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom.</p>	<p>8. (1) The Irish Legislative Assembly shall consist of one hundred and three members, returned by the existing parliamentary constituencies in Ireland, or the existing divisions thereof, and elected by the parliamentary electors for the time being in those constituencies or divisions.</p>
<p>(2) The Irish House of Commons when summoned shall, unless sooner dissolved, have continuance for five years from the day on which the summons directs the House to meet and no longer.</p>	<p>(2) The Irish Legislative Assembly when summoned may, unless sooner dissolved, have continuance for five years from the day on which the summons directs it to meet and no longer.</p>
<p>(3) After three years from the passing of this Act, the Irish Parliament may alter, as respects the Irish House of Commons, the qualification of the electors, the mode of election, the constituencies, and the distribution of the members of the House among the constituencies, provided that in any new distribution the number of the members of the House shall not be altered, and due regard shall be had to the population of the constituencies other than University constituencies.</p>	<p>(3) After six years from the passing of this Act, the Irish Legislature may alter the qualification of the electors, and the constituencies, and the distribution of the members among the constituencies, provided that in such distribution due regard is had to the population of the constituencies.</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893,  
As introduced.

1886.

7. (1) The Irish Legislative Assembly shall consist of *one hundred and three* members, returned by the existing parliamentary constituencies in Ireland, or the existing divisions thereof, and elected by the parliamentary electors for the time being in those constituencies or divisions.

(2) The Irish Legislative Assembly when summoned may, unless sooner dissolved, have continuance for *five* years from the day on which the summons directs it to meet and no longer.

(3) After *six* years from the passing of this Act, the Irish Legislature may alter the qualification of the electors, and the constituencies, and the distribution of the members among the constituencies, provided that in such distribution due regard is had to the population of the constituencies.

11. (1) Subject as in this section hereafter mentioned, the second order of the Legislative Body shall consist of two hundred and four members.

(2) The members of the second order shall be chosen by the existing constituencies of Ireland, two by each constituency, with the exception of the City of Cork, which shall be divided into two divisions in manner set forth in the Third Schedule to this Act, and two members shall be chosen by each of such divisions.

(3) Any person who, on the appointed day, is a member representing an existing Irish constituency in the House of Commons shall, on giving his written assent to the Lord Lieutenant, become a member of the second order of the Irish Legislative Body as if he had been elected by the constituency which he was representing in the House of Commons. Each of the members for the City of Cork, on the said day, may elect for which of the divisions of that city he wishes to be deemed to have been elected.

(4) If any member does not give such written assent within *one month* after the appointed day, his place shall be filled by election in the same manner and at the same time as if he had assented and vacated his office by death.

(5) If the same person is elected to both orders, he shall, within *seven days* after the meeting of the Legislative Body, or if the Body is sitting at the time of the election, within *seven days* after the election, elect in which order he will serve, and his membership of the other order shall be void and be filled by a fresh election.

(6) Notwithstanding anything in this Act, it shall be lawful for the Legislature of Ireland at any time to pass an Act enabling the Royal University of Ireland to return not more than two members to the second order of the Irish Legislative Body in addition to the number of members above mentioned.

6. The Irish Legislative Body whenever summoned may have continuance for *five years* and no longer, to be reckoned from the day on which any such Legislative Body is appointed to meet.

11. (7) Notwithstanding anything in this Act, it shall be lawful for the Irish Legislature, after the first dissolution of the Legislative Body which occurs, to alter the constitution or election of the second order of that body, due regard being had in the distribution of members to the population of the constituencies; provided that no alteration shall be made in the number of such order.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
<p style="text-align: center;"><i>Money Bills.</i></p> <p>10. (1) Bills appropriating revenue or money, or imposing taxation shall originate only in the Irish House of Commons, but a Bill shall not be taken to appropriate revenue or money, or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the payment or appropriation of fees for licences or fees for services under the Bill.</p> <p>(2) The Irish House of Commons shall not adopt or pass any resolution, address, or Bill for the appropriation for any purpose of any part of the public revenue of Ireland or of any tax, except in pursuance of a recommendation from the Lord Lieutenant, in the session in which the vote, resolution, address, or Bill is proposed.</p> <p>(3) The Irish Senate may not reject any Bill which deals only with the imposition of taxation or appropriation of revenue or money for the services of the Irish Government, and may not amend any Bill so far as the Bill imposes taxation or appropriates revenue or money for the services of the Irish Government, and the Irish Senate may not amend any Bill so as to increase any proposed charges or burden on the people.</p> <p>(4) Any Bill which appropriates revenue or money for the ordinary annual services of the Irish Government shall deal only with that appropriation.</p> <p style="text-align: center;"><i>Disagreement between two Houses of Irish Parliament.</i></p> <p>11. (1) If the Irish House of Commons pass any Bill and the Irish Senate reject or fail to pass it, or pass it with amendments to which the Irish House of Commons will not agree, and if the Irish House of Commons in the next session again pass the Bill with or without any amendments which have been made or agreed to by the Irish Senate, and the Irish Senate reject or fail to pass it, or pass it with amendments to which the Irish House of Commons will not agree, the Lord Lieutenant may during that session convene a joint sitting of the members of the two Houses.</p> <p>(2) The members present at any such joint sitting may deliberate and shall vote</p>	<p>18. (1) Bills for appropriating any part of the public revenue or for imposing any tax shall originate in the Legislative Assembly.</p> <p>(2) It shall not be lawful for the Legislative Assembly to adopt or pass any vote, resolution, address, or Bill for the appropriation for any purpose of any part of the public revenue of Ireland, or of any tax, except in pursuance of a recommendation from the Lord Lieutenant in the session in which such vote, resolution, address, or Bill is proposed.</p> <p>9. If a Bill or any provision of a Bill adopted by the Legislative Assembly is lost by the disagreement of the Legislative Council, and after a dissolution, or the period of two years from such disagreement, such Bill, or a Bill for enacting the said provision, is again adopted by the Legislative Assembly and fails within three months afterwards to be adopted by the Legislative Council, the same shall forthwith be submitted to the members of the two Houses deliberating and voting together thereon, and shall be adopted or rejected according to the decision of the majority of those members present and voting on the question.</p>



# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893.  
As introduced.

1886.

18. (1) Bills for appropriating any part of the public revenue or for imposing any tax shall originate in the Legislative Assembly.

(2) It shall not be lawful for the Legislative Assembly to adopt or pass any vote, resolution, address, or Bill for the appropriation for any purpose of any part of the public revenue of Ireland, or of any tax, except in pursuance of a recommendation from the Lord Lieutenant in the session in which such vote, resolution, address, or Bill is proposed.

19. (1) It shall not be lawful for the Irish Legislative Body to adopt or pass any vote, resolution, address, or Bill for the raising or appropriation for any purpose of any part of the public revenue of Ireland, or of any tax, duty, or impost, except in pursuance of a recommendation from Her Majesty signified through the Lord Lieutenant in the session in which such vote, resolution, address, or Bill is proposed.

(2) Notwithstanding that the Irish Legislature is prohibited by this Act for making laws relating to certain subjects, that Legislature may, with the assent of Her Majesty in Council first obtained, appropriate any part of the Irish public revenue, or any tax, duty, or impost imposed by such Legislature, for the purpose of, or in connection with, such subjects.

8. If a Bill or any provision of a Bill adopted by the Legislative Assembly is lost by the disagreement of the Legislative Council, and after a dissolution, or the period of *two years* from such disagreement, such Bill, or a Bill for enacting the said provision, is again adopted by the Legislative Assembly and fails within three months afterwards to be adopted by the Legislative Council, the same shall forthwith be submitted to the members of the two Houses deliberating and voting together thereon, and shall be adopted or rejected according to the decision of the majority of those members present and voting on the question.

23. If a Bill or any provision of a Bill is lost by disagreement between the two orders of the Legislative Body, and after a period ending with a dissolution of the Legislative Body, or the period of *three years*, whichever period is longest, such Bill, or a Bill containing the said provision, is again considered by the Legislative Body, and such Bill or provision is adopted by the second order and negatived by the first order, the same shall be submitted to the whole Legislative Body, both orders of which shall vote together on the Bill or provision, and the same shall be adopted or rejected according to the decision of the majority of the members so voting together.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893,  
As amended.

together upon the Bill as last proposed by the Irish House of Commons, and upon the amendments (if any) which have been made therein by the one House and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members of the two Houses present at the sitting shall be taken to have been carried.

(3) If the Bill with the amendments (if any) so taken to have been carried is affirmed by a majority of the total number of members of the two Houses present at any such sitting, it shall be taken to have been duly passed by both Houses.

## *Privileges, qualifications, &c., of Members of Irish Parliament.*

12. (1) The powers, privileges, and immunities of the Irish Senate and of the Irish House of Commons, and of the members and of the Committees of the Irish Senate and the Irish House of Commons, shall be such as may be defined by Irish Act, but so that they shall never exceed those for the time being held and enjoyed by the Commons House of Parliament of the United Kingdom and its members and committees, and, until so defined, shall be those held and enjoyed by the Commons House of Parliament of the United Kingdom, and its members and committees at the date of the passing of this Act.

(2) The law, as for the time being in force, relating to the qualification and disqualification of members of the Commons House of Parliament of the United Kingdom, and the taking of any oath required to be taken by a member of that House, shall apply to members of the Irish House of Commons.

(3) Any peer, whether of the United Kingdom, Great Britain, England, Scotland, or Ireland, shall be qualified to be a member of either House.

(4) A member of either House shall be incapable of being nominated or elected, or of sitting, as a member of the other House, but an Irish Minister who is a member of either House shall have the right to sit and speak in both Houses, but shall vote only in the House of which he is a member.

(5) A member of either House may resign his seat by giving notice of resignation to the person and in the manner directed by standing orders of the House, or if there is no such direction, by notice in writing of resignation sent to the Lord Lieutenant, and his seat shall become vacant on notice of resignation being given.

(6) The powers of either House shall not be affected by any vacancy therein, or by any defect in the nomination, election, or qualification, of any member thereof.

(7) His Majesty may by Order in Council

## *From Schedule Six.*

(11) Until otherwise provided by Irish Act, the Lord Lieutenant in Council may make regulations for adapting the existing election laws to the election of members of the two Houses of the Legislature.

(12) Annual sessions of the Legislature shall be held.

(13) Any peer, whether of the United Kingdom, Great Britain, England, Scotland, or Ireland shall be qualified to be a member of either House.

(14) A member of either House may by writing under his hand resign his seat, and the same shall thereupon be vacant.

(15) The same person shall not be a member of both Houses.

(16) Until otherwise provided by Irish Act, if the same person is elected to a seat in each House, he shall, before the eighth day after the next sitting of either House, by written notice, elect in which House he will serve, and upon such election his seat in the other House shall be vacant, and if he does not so elect, his seat in both Houses shall be vacant.

(17) Until otherwise provided by Irish Act, any such notice electing in which House a person will sit, or any notice of resignation, shall be given in manner directed by the Standing Orders of the Houses, and if there is no such direction, shall be given to the Lord Lieutenant.

(18) The powers of either House shall not be affected by any vacancy therein, or any defect in the election or qualification of any member thereof.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893,  
As introduced.

1886.

## From *Schedule Seven*.

(11) Until otherwise provided by Irish Act, the Lord Lieutenant in Council may make regulations for adapting the existing election laws to the election of members of the two Houses of the Legislature.

(12) Annual sessions of the Legislature shall be held.

(13) Any peer, whether of the United Kingdom, Great Britain, England, Scotland, or Ireland shall be qualified to be a member of either House.

(14) A member of either House may by writing under his hand resign his seat, and the same shall thereupon be vacant.

(15) The same person shall not be a member of both Houses.

(16) Until otherwise provided by Irish Act, if the same person is elected to a seat in each House, he shall, before the eighth day after the next sitting of either House, by written notice, elect in which House he will serve, and upon such election his seat in the other House shall be vacant, and if he does not so elect, his seat in both Houses shall be vacant.

(17) Until otherwise provided by Irish Act, any such notice electing in which House a person will sit, or any notice of resignation, shall be given in manner directed by the Standing Orders of the Houses, and if there is no such direction, shall be given to the Lord Lieutenant.

(18) The powers of either House shall not be affected by any vacancy therein, or any defect in the election or qualification of any member thereof.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893.  
As amended.

declare that the holders of the offices in the Irish Executive named in the Order shall not be disqualified for being members of either House of the Irish Parliament by reason of holding office under the Crown, and except as otherwise provided by Irish Act, the Order shall have effect as if it were enacted in this Act, but on acceptance of any such office the seat of any such person in the Irish House of Commons shall be vacated unless he has accepted the office in succession to some other of the said offices.

## IRISH REPRESENTATION IN THE HOUSE OF COMMONS.

### *Representation of Ireland in the House of Commons of the United Kingdom.*

13. Unless and until the Parliament of the United Kingdom otherwise determine, the following provisions shall have effect :—

- (1) After the appointed day the number of members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom shall be forty-two and the constituencies returning those members shall (in lieu of the existing constituencies) be the constituencies named in the second part of the First Schedule to this Act, and no University in Ireland shall return a member to the Parliament of the United Kingdom.

(19) Until otherwise provided by Irish Act the holders of such Irish offices as may be named by Order of the Queen in Council before the appointed day, shall be entitled to be elected to and sit in either House notwithstanding that they hold offices under the Crown, but on acceptance of any such office the seat of any such person in either House shall be vacated unless he has accepted the office in succession to some other of the said offices.

10. Unless and until Parliament otherwise determines, the following provisions shall have effect—

- (1) After the appointed day each of the constituencies named in the Second Schedule to this Act shall return to serve in Parliament the number of members named opposite thereto in that schedule, and no more, and Dublin University shall cease to return any member.
- (2) The existing divisions of the constituencies shall, save as provided in that schedule, be abolished.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893,  
As introduced.

1886.

(19) Until otherwise provided by Irish Act, the holders of such Irish offices as may be named by Order of the Queen in Council before the appointed day, shall be entitled to be elected to and sit in either House notwithstanding that they hold offices under the Crown, but on acceptance of any such office the seat of any such person in either House shall be vacated unless he has accepted the office in succession to some other of the said offices.

9. Unless and until Parliament otherwise determines, the following provisions shall have effect—

(1) After *the appointed day* each of the constituencies named in the Second Schedule to this Act shall return to serve in Parliament the number of members named opposite thereto in that schedule, and no more, and Dublin University shall cease to return any member.

(2) The existing divisions of the constituencies shall, save as provided in that schedule, be abolished.

(3) An Irish representative peer in the House of Lords and a member of the House of Commons for an Irish constituency shall not be entitled to deliberate or vote on—

(a) any Bill or motion in relation thereto, the operation of which Bill or motion is confined to Great Britain or some part thereof; or

(b) any motion or resolution relating solely to some tax not raised or to be raised in Ireland; or

(c) any vote or appropriation of money made exclusively for some service not mentioned in the Third Schedule to this Act; or

(d) any motion or resolution exclusively affecting Great Britain or some part thereof or some local authority or some person or thing therein; or

(e) any motion or resolution, incidental to any such motion or resolution as either is last mentioned, or relates solely to some tax not raised or to be raised in Ireland, or incidental to any such vote or appropriation of money as aforesaid.

24. On and after the appointed day Ireland shall cease, except in the event hereafter in this Act mentioned, to return representative peers to the House of Lords or members to the House of Commons, and the persons who on the said day are such representative peers and members shall cease as such to be members of the House of Lords and House of Commons respectively.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893,  
As amended.

- (2) The election laws and the laws relating to the qualification of parliamentary electors shall not, so far as they relate to elections of members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom, be altered by the Irish Parliament, but this enactment shall not prevent the Irish Parliament from dealing with any officers concerned with the issue of writs of election, and if any officers are so dealt with, it shall be lawful for His Majesty by Order in Council to arrange for the issue of any such writs, and the writs issued in pursuance of the Order shall be of the same effect as if issued in manner heretofore accustomed.

## FINANCE.

### *Irish Revenue and Expenditure.*

14. (1) There shall be an Irish Exchequer and an Irish Consolidated Fund separate from those of the United Kingdom.

(2) The proceeds of all taxes levied in Ireland, whether under the authority of the Parliament of the United Kingdom or of the Irish Parliament, shall be paid into the Exchequer of the United Kingdom, but subject as hereinafter provided, there shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof in each year to the Irish Exchequer a sum (in this Act referred to as "the Transferred Sum") consisting of—

- (a) such sum as may be determined by the Joint Exchequer Board established under this Act (hereinafter referred to as the Joint Exchequer Board) to represent the net cost to the Exchequer of the United Kingdom at the time of the passing of this Act of Irish services ; and
- (b) a sum of five hundred thousand pounds, diminishing in each year after the third year of payment by the sum of fifty thousand pounds until it is reduced to the sum of two hundred thousand pounds ; and
- (c) a sum equal to the proceeds as determined by the Joint Exchequer Board of any Irish taxes imposed in Ireland by the Irish Parliament under the powers given to them by this Act.

(3) Provision shall be made by the Irish Parliament for the cost of Irish services within the meaning of this Act, and any charge on the Consolidated Fund of the United Kingdom for those services, including any charge for the benefit of the Local Taxation (Ireland) Account, or any grant or contribution out of moneys provided by

- (3) The election laws and the laws relating to the qualification of parliamentary electors shall not, so far as they relate to parliamentary elections, be altered by the Irish Legislature, but this enactment shall not prevent the Irish Legislature from dealing with any officers concerned with the issue of writs of election, and if any officers are so dealt with, it shall be lawful for Her Majesty by Order in Council to arrange for the issue of such writs, and the writs issued in pursuance of such Order shall be of the same effect as if issued in manner heretofore accustomed.

12. (1) On and after the appointed day there shall be an Irish Exchequer and Consolidated Fund separate from those of the United Kingdom.

(2) The Irish Legislature, in order to provide for the public service of Ireland, may impose any taxes other than the existing taxes in Ireland, and all matters relating to the taxes so imposed, or to the miscellaneous public revenue of Ireland connected with the civil charges of government in Ireland, or to the collection and management of such taxes or revenue, shall be regulated by Irish Act, and the proceeds shall form part of the special revenue of Ireland.

(3) The special revenue, and, save as in this Act mentioned, all the public revenue of Ireland, shall be paid into the Irish Exchequer, and all sums paid into the Irish Exchequer shall form a Consolidated Fund, and be appropriated to the public service of Ireland by Irish Act, and shall not be applied for any purpose for which they cannot be so appropriated.

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(4) Compliance with the provisions of this section shall not be questioned otherwise than in each House in manner provided by the House.

(5) The election laws and the laws relating to the qualification of parliamentary electors shall not, so far as they relate to parliamentary elections, be altered by the Irish Legislature, but this enactment shall not prevent the Irish Legislature from dealing with any officers concerned with the issue of writs of election, and if any officers are so dealt with, it shall be lawful for Her Majesty by Order in Council to arrange for the issue of such writs, and the writs issued in pursuance of such Order shall be of the same effect as if issued in manner heretofore accustomed.

10. (1) *On and after the appointed day* there shall be an Irish Exchequer and Consolidated Fund separate from those of the United Kingdom.

(2) The duties of customs and excise and the duties on postage shall be imposed by Act of Parliament, but subject to the provisions of this Act the Irish Legislature may, in order to provide for the public service of Ireland, impose any other taxes.

(3) Save as in this Act mentioned, all matters relating to the taxes in Ireland and the collection and management thereof shall be regulated by Irish Act, and the same shall be collected and managed by the Irish Government and form part of the public revenues of Ireland: Provided that—

(a) the duties of customs shall be regulated, collected, managed, and paid into the Exchequer of the United Kingdom as heretofore; and

(b) all prohibitions in connection with the duties of excise, and so far as regards articles sent out of Ireland, all matters relating to those duties, shall be regulated by Act of Parliament; and

(c) the excise duties on articles consumed in Great Britain shall be paid in Great Britain or to an officer of the Government of the United Kingdom.

(4) Save as in this Act mentioned, all the public revenues of Ireland shall be paid into the Irish Exchequer and form a Consolidated Fund, and be appropriated to the public service of Ireland by Irish Act.

(5) If the duties of excise are increased above the rates in force on *the first day of March one thousand eight hundred and ninety-three*, the net proceeds in Ireland of the duties in excess of the said rates shall be paid from

12. (1) For the purpose of providing for the public service of Ireland the Irish Legislature may impose taxes, other than duties of customs or excise as defined by this Act, which duties shall continue to be imposed and levied by and under the direction of the Imperial Parliament only.

(2) On and after the appointed day there shall be an Irish Consolidated Fund separate from the Consolidated Fund of the United Kingdom.

(3) All taxes imposed by the Legislature of Ireland and all other public revenues under the control of the Government of Ireland shall, subject to any provisions touching the disposal thereof contained in any Act passed in the present session respecting the sale and purchase of land in Ireland, be paid into the Irish Consolidated Fund, and be appropriated to the public service of Ireland according to law.

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<p>the Parliament of the United Kingdom so far as made for those services shall cease, and money for loans in Ireland shall cease to be advanced either by the Public Works Loans Commissioners or out of the Local Loans Fund.</p>	
<p><i>Powers of Irish Parliament with respect to Taxation.</i></p>	
<p>15. (1) The Irish Parliament shall have power to vary (either by way of addition, reduction, or discontinuance) any Imperial tax so far as respects the levy of that tax in Ireland, and to impose in Ireland any independent tax not being in the opinion of the Joint Exchequer Board substantially the same in character as an Imperial tax, subject to the following limitations:—</p>	<p>11. (1) Until the transfer hereinafter mentioned the existing taxes in Ireland shall be imposed by Act of Parliament, and all matters relating to those taxes or to the hereditary revenues of the Crown in Ireland, or to the collection or management thereof, shall be regulated by Act of Parliament.</p>
<p>(a) The Irish Parliament shall not have power to impose or charge a Customs duty, whether an import or an export duty, on any article unless that article is for the time being liable to a Customs duty levied as an Imperial tax; and</p>	<p>(2) For the purposes of this Act the public revenue of Ireland shall be divided into general revenue and special revenue, and the general revenue shall consist of—</p>
<p>(b) The benefit to accrue to the Irish Exchequer from any addition to any Customs duty levied as an Imperial tax (other than a Customs duty on beer or spirits), or to any duty of income tax so levied, or to any death duty so levied, shall be limited as in this Act provided; and</p>	<p>(a) the gross revenue collected in Ireland from the said taxes;</p>
<p>(c) The power of the Irish Parliament to vary an Imperial tax shall not be exercised with respect to the stamp duties mentioned in the Second Schedule to this Act; and</p>	<p>(b) the portion due to Ireland of the hereditary revenues of the Crown which are managed by the Commissioners of Woods; and</p>
<p>(d) The Irish Parliament shall not, in the exercise of their powers of taxation under this provision, make any variation of Customs or Excise duties the effect of which will be to cause the Customs duty on an article of a class produced, prepared, or manufactured in Ireland, to exceed the Excise duty by more than an amount reasonably sufficient to cover any expenses due to Excise restrictions;</p>	<p>(c) an annual sum for the customs and excise duties (if any) collected in Great Britain on articles consumed in Ireland; Provided that an annual sum for the customs and excise duties (if any) collected in Ireland on articles consumed in Great Britain shall be deducted from the revenue collected in Ireland, and treated as revenue collected in Great Britain.</p>
<p>and the power of the Irish Parliament to make laws includes a power to make laws for the purpose of giving effect to their powers of taxation under this provision.</p>	<p>(3) The above-mentioned annual sums shall be determined by the order of a committee appointed jointly by the Treasury and the Irish Government in equal proportions, with power to choose a chairman, or in default the chairman shall be appointed by Her Majesty, and the chairman shall have a second or casting vote, and such order shall be laid before both Houses of Parliament.</p>
<p>(2) For the purposes of this Act—</p>	<p>(4) One-third part of the general revenue of Ireland, and also that portion of any Imperial miscellaneous revenue to which Ireland may claim to be entitled, whether specified in the Third Schedule to this Act or arising hereafter, shall be paid into the Exchequer of the United Kingdom as the contribution of Ireland to Imperial liabilities and expenditure as defined in that schedule.</p>
<p>(a) The expression "Imperial tax" means any tax charged for the time being in Ireland under the authority of the Parliament of the United Kingdom, and includes a tax which has been discontinued under the powers given by this section to the</p>	<p>(5) The residue of the general revenue of Ireland shall, without being paid into the Exchequer of the United Kingdom, form part of the special revenue of Ireland.</p>
	<p>(6) The civil charges of government in Ireland shall, subject as in this Act mentioned, be borne after the appointed day by Ireland and regulated by Irish Act.</p>
	<p>(7) Where Parliament imposes any taxes expressly for the purpose of war, or of any</p>



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the Irish Exchequer to the Exchequer of the United Kingdom.

(6) *If the duties of excise are reduced below the rates in force on the said day, and the net proceeds of such duties in Ireland are in consequence less than the net proceeds of the duties before the reduction, a sum equal to the deficiency shall, unless it is otherwise agreed between the Treasury and the Irish Government, be paid from the Exchequer of the United Kingdom to the Irish Exchequer.*

11. (1) The hereditary revenues of the Crown in Ireland which are managed by the Commissioners of Woods shall continue during the life of Her present Majesty to be managed and collected by those Commissioners, and the net amount payable by them to the Exchequer on account of those revenues, after deducting all expenses (but including an allowance for interest on such proceeds of the sale of those revenues as have not been re-invested in Ireland), shall be paid into the Treasury Account (Ireland) hereinafter mentioned, for the benefit of the Irish Exchequer.

(2) A person shall not be required to pay income tax in Great Britain in respect of property situate or business carried on in Ireland, and a person shall not be required to pay income tax in Ireland in respect of property situate or business carried on in Great Britain.

(3) *For the purpose of giving to Ireland the benefit of the difference between the income tax collected in Great Britain from British, Colonial, and foreign securities held by residents in Ireland, and the income tax collected in Ireland from Irish securities held by residents in Great Britain, there shall be made to Ireland out of the income tax collected in Great Britain, an allowance of such amount as may be from time to time determined by the Treasury, in accordance with a minute of the Treasury laid before Parliament before the appointed day, and such allowance shall be paid into the Treasury Account (Ireland) for the benefit of the Irish Exchequer.*

(4) Provided that the provisions of this section with respect to income tax shall not apply to any excess of the rate of income tax in Great Britain above the rate in Ireland or of the rate of income tax in Ireland above the rate in Great Britain.

12. (1) The duties of customs contributed by Ireland and, save as provided by this Act, that portion of any public revenue of the United Kingdom to which Ireland may claim to be entitled, whether specified in the Third Schedule to this Act or not, shall be carried to the Consolidated Fund of the United Kingdom, as the contribution of Ireland to Imperial liabilities and expenditure as defined in that schedule.

(2) The civil charges of the Government in Ireland shall, subject as in this Act men-

13. (1) Subject to the provisions for the reduction or cesser thereof in this section mentioned, there shall be made on the part of Ireland to the Consolidated Fund of the United Kingdom the following annual contributions in every financial year; that is to say,—

(a) The sum of *one million four hundred and sixty-six thousand pounds* on account of the interest on and management of the Irish share of the National Debt :

(b) The sum of *one million six hundred and sixty-six thousand pounds* on account of the expenditure on the Army and Navy of the United Kingdom :

(c) The sum of *one hundred and ten thousand pounds* on account of the Imperial civil expenditure of the United Kingdom :

(d) The sum of *one million pounds* on account of the Royal Irish Constabulary and the Dublin Metropolitan Police.

(2) During the period of *thirty* years from this section taking effect the said annual contributions shall not be increased, but may be reduced or cease as hereinafter mentioned. After the expiration of the said *thirty* years the said contributions shall, save as otherwise provided by this section, continue until altered in manner provided with respect to the alteration of this Act.

(3) The Irish share of the National Debt shall be reckoned at *forty-eight million pounds* bank annuities, and there shall be paid in every financial year on behalf of Ireland to the Commissioners for the Reduction of the National Debt an annual sum of *three hundred and sixty thousand pounds*, and the permanent annual charge for the National Debt on the Consolidated Fund of the United Kingdom shall be reduced by that amount, and the said annual sum shall be applied by the said Commissioners as a sinking fund for the redemption of the National Debt, and the Irish share of the National Debt shall be reduced by the amount of the National Debt so redeemed, and the said annual contribution on account of the interest on and management of the Irish share of the National Debt shall from time to time be reduced by a sum equal to the interest upon the amount of the National Debt from time to time so redeemed, but that last-mentioned sum shall be paid annually to the

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<p>Irish Parliament, but which would have been so charged but for the discontinuance ;</p> <p>(b) The expression " Irish tax " means any tax charged under the authority of the Irish Parliament either by way of an addition to an Imperial tax or as an independent tax.</p>	<p>special expenditure which Parliament declares to be war expenditure, or to be extraordinary expenditure for the defence of the realm, the revenue from those taxes which is collected in Ireland, or on articles consumed in Ireland, shall be paid into the Exchequer of the United Kingdom, and subject to the like deduction as above mentioned in respect of articles consumed in Great Britain, shall be treated as the contribution of Ireland for the said purpose.</p> <p>(8) After six years from the appointed day the imposition of the existing taxes in Ireland other than duties of customs or excise, and the regulation of all matters relating to the existing taxes in Ireland other than the duties of customs, and to the collection and management thereof, shall, save as respects duties on articles consumed in Great Britain, be transferred to the Irish Legislature, and the arrangements made by this Act for the contribution of Ireland to Imperial liabilities and expenditure shall be revised.</p> <p>13. (1) There shall be charged on the Irish Consolidated Fund in favour of the Exchequer of the United Kingdom as a first charge on that fund all sums which—</p> <p>(a) are payable to that Exchequer from the Irish Exchequer ; or</p> <p>(b) are required to repay to the Exchequer of the United Kingdom sums issued to meet the dividends or sinking fund on guaranteed land stock under the Purchase of Land (Ireland) Act, 1891 ; or</p> <p>(c) otherwise have been or are required to be paid out of the Exchequer of the United Kingdom in consequence of the non-payment thereof out of the Exchequer of Ireland or otherwise by the Irish Government.</p> <p>(2) If at any time the Controller and Auditor General of the United Kingdom is satisfied that any such charge is due, he shall certify the amount of it, and the Treasury shall cause the amount so certified to be deducted out of any revenue payable to the Irish Exchequer, and if from any cause the amount is not so deducted, the Treasury shall send such certificate to the Lord Lieutenant, who shall thereupon by order without any counter-signature, direct the payment of the amount from the Irish Exchequer to the Exchequer of the United Kingdom, and such order shall be duly obeyed by all persons, and until the amount is wholly paid no other payment shall be made out of the Irish Exchequer for any purpose whatever.</p> <p>(3) There shall be charged on the Irish Consolidated Fund next after the foregoing charge—</p> <p>(a) all sums, for dividends or sinking fund on guaranteed land stock under the Purchase of Land (Ireland) Act, 1891, which the Land Purchase Account and</p>

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tioned, be borne after the appointed day by Ireland.

(3) After fifteen years from the passing of this Act the arrangements made by this Act for the contribution of Ireland to Imperial liabilities and expenditure, and otherwise for the financial relations between the United Kingdom and Ireland, may be revised in pursuance of an address to Her Majesty from the House of Commons, or from the Irish Legislative Assembly.

13. (1) There shall be established under the direction of the Treasury an account (in this Act referred to as the Treasury Account (Ireland)).

(2) There shall be paid into such account all sums payable from the Irish Exchequer to the Exchequer of the United Kingdom, or from the latter to the former Exchequer, and all sums directed to be paid into the account for the benefit of either of the said Exchequers.

(3) All sums which are payable from either of the said Exchequers to the other of them, or being payable out of one of the said Exchequers are repayable by the other Exchequer, shall in the first instance be payable out of the said account so far as the money standing on the account is sufficient; and for the purpose of meeting such sums, the Treasury out of the customs revenue collected in Ireland, and the Irish Government out of any of the public revenues in Ireland, may direct money to be paid to the Treasury Account (Ireland) instead of into the Exchequer.

(4) Any surplus standing on the account to the credit of either Exchequer, and not required for meeting payments, shall at convenient times be paid into that Exchequer, and where any sum so payable into the Exchequer of the United Kingdom is required by law to be forthwith paid to the National Debt Commissioners, that sum may be paid to those Commissioners without being paid into the Exchequer.

(5) All sums payable by virtue of this Act out of the Consolidated Fund of the United Kingdom or of Ireland shall be payable from the Exchequer of the United Kingdom or Ireland, as the case may be, within the meaning of this Act, and all sums by this Act made payable from the Exchequer of the United Kingdom shall, if not otherwise paid, be charged on and paid out of the Consolidated Fund of the United Kingdom.

14. (1) There shall be charged on the Irish Consolidated Fund in favour of the Exchequer of the United Kingdom as a first charge on that fund all sums which—

(a) are payable to that Exchequer from the Irish Exchequer; or

(b) are required to repay to the Exchequer of the United Kingdom sums issued to meet the dividends or sinking fund on

Commissioners for the Reduction of the National Debt in addition to the above-mentioned annual sinking fund, and shall be so paid and be applied as if it were part of that sinking fund

(4) As soon as an amount of the National Debt equal to the said Irish share thereof has been redeemed under the provisions of this section, the said annual contribution on account of the interest on and management of the Irish share of the National Debt, and the said annual sum for a sinking fund, shall cease.

(5) If it appears to Her Majesty that the expenditure in respect of the Army and Navy of the United Kingdom, or in respect of Imperial civil expenditure of the United Kingdom, for any financial year has been less than fifteen times the amount of the contributions above named on account of the same matter, a sum equal to one-fifteenth part of the diminution shall be deducted from the current annual contribution for the same matter.

(6) The sum paid from time to time by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the Consolidated Fund of the United Kingdom on account of the hereditary revenues of the Crown in Ireland shall be credited to the Irish Government, and go in reduction of the said annual contribution payable on account of the Imperial civil expenditure of the United Kingdom, but shall not be taken into account in calculating whether such diminution as above mentioned has or has not taken place in such expenditure.

(7) If it appears to Her Majesty that the expenditure in respect of the Royal Irish Constabulary and the Dublin Metropolitan Police for any financial year has been less than the contribution above named on account of such constabulary and police, the current contribution shall be diminished by the amount of such difference.

(8) This section shall take effect from and after the *thirty-first day of March One thousand eight hundred and eighty-seven*.

14. (1) On and after such day as the Treasury may direct all moneys from time to time collected in Ireland on account of the duties of customs or the duties of excise as defined by this Act shall, under such regulations as the Treasury from time to time make, be carried to a separate account (in this Act referred to as the Customs and Excise Account) and applied in the payment of the following sums in priority as mentioned in this section; that is to say,—

First, of such sum as is from time to time directed by the Treasury in respect of the costs, charges, and expenses of and incident to the collection and management of the said duties in Ireland not

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	<p>the Guaranteed Fund under that Act are insufficient to pay ;</p> <p>(b) all sums due in respect of any debt incurred by the Government of Ireland, whether for interest, management, or sinking fund ;</p> <p>(c) an annual sum of five thousand pounds for the expenses of the household and establishment of the Lord Lieutenant ;</p> <p>(d) all existing charges on the Consolidated Fund of the United Kingdom in respect of Irish services other than the salary of the Lord Lieutenant ; and</p> <p>(e) the salaries and pensions of all judges of the Supreme Court or other superior Court in Ireland or of any county or other like Court, who are appointed after the passing of this Act, and are not the Exchequer judges hereafter mentioned.</p> <p>(4) Until all charges created by this Act upon the Irish Consolidated Fund and for the time being due are paid, no money shall be issued from the Irish Exchequer for any other purpose whatever.</p> <p>14. Whenever, by reason of any Act unlawfully done or omitted to be done by the Irish Government or by any member or officer of that Government, any Foreign Power or the subject of any Foreign Power suffers loss or injury, and any sum of money becomes payable out of the Exchequer of the United Kingdom by way of indemnity or compensation for such loss or injury, such sum shall thereupon be payable to the Exchequer of the United Kingdom from the Irish Exchequer, and shall be recoverable according to the provisions of this Act.</p>

*Relations between Great Britain and Ireland  
as respects Customs and Excise Duties.*

16. (1) Any articles which are brought

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guaranteed land stock under the Purchase of Land (Ireland) Act, 1891, or

(c) otherwise have been or are required to be paid out of the Exchequer of the United Kingdom in consequence of the non-payment thereof out of the Exchequer of Ireland or otherwise by the Irish Government.

(2) If at any time the Controller and Auditor-General of the United Kingdom is satisfied that any such charge is due, he shall certify the amount of it, and the Treasury shall send such certificate to the Lord Lieutenant, who shall thereupon by order, without any counter-signature, direct the payment of the amount from the Irish Exchequer to the Exchequer of the United Kingdom, and such order shall be duly obeyed by all persons, and until the amount is wholly paid no other payment shall be made out of the Irish Exchequer for any purpose whatever.

(3) There shall be charged on the Irish Consolidated Fund next after the foregoing charge :

(a) all sums, for dividends or sinking fund on guaranteed land stock under the Purchase of Land (Ireland) Act, 1891, which the Land Purchase Account and the Guarantee Fund under that Act are insufficient to pay ;

(b) all sums due in respect of any debt incurred by the Government of Ireland, whether for interest, management, or sinking fund ;

(c) an annual sum of *five thousand* pounds for the expenses of the household and establishment of the Lord Lieutenant ;

(d) all existing charges on the Consolidated Fund of the United Kingdom in respect of Irish services other than the salary of the Lord Lieutenant ; and

(e) the salaries and pensions of all judges of the Supreme Court or other superior Court in Ireland or of any county or other like Court, who are appointed after the passing of this Act, and are not the Exchequer judges hereafter mentioned.

(4) Until all charges created by this Act upon the Irish Consolidated Fund and for the time being due are paid, no money shall be issued from the Irish Exchequer for any other purpose whatever.

exceeding four per cent. of the amount collected there ;

Secondly, of the annual contributions required by this Act to be made to the Consolidated Fund of the United Kingdom ;

Thirdly, of the annual sums required by this Act to be paid to the Commissioners for the Reduction of the National Debt ;

Fourthly, of all sums by this Act declared to be payable out of the moneys carried to the Customs and Excise Account ;

Fifthly, of all sums due to the Consolidated Fund of the United Kingdom for interest or sinking fund, in respect of any loans made by the issue of bank annuities or otherwise to the Government of Ireland under any Act passed in the present session relating to the purchase and sale of land in Ireland, so far as such sums are not defrayed out of the moneys received under such Act.

(2) So much of the moneys carried to a separate account under this section as the Treasury consider are not, and are not likely to be, required to meet the above-mentioned payments, shall from time to time be paid over and applied as part of the public revenues under the control of the Irish Government.

15. (1) There shall be charged on the Irish Consolidated Fund in priority as mentioned in this section :—

First, such portion of the sums directed by this Act to be paid out of the moneys carried to the Customs and Excise Account in priority to any payment for the public revenues of Ireland, as those moneys are insufficient to pay ;

Secondly, all sums due in respect of any debt incurred by the Government of Ireland, whether for interest, management, or sinking fund ;

Thirdly, all sums which at the passing of this Act are charged on the Consolidated Fund of the United Kingdom in respect of Irish services other than the salary of the Lord Lieutenant ;

Fourthly, the salaries of all judges of the Supreme Court of Judicature or other superior Court in Ireland, or of any county or other like Court, who are appointed after the passing of this Act, and the pensions of such judges ;

Fifthly, any other sums charged by this Act on the Irish Consolidated Fund.

(2) It shall be the duty of the Legislature of Ireland to impose all such taxes, duties, or imposts as will raise a sufficient revenue to meet all sums charged for the time being on the Irish Consolidated Fund.

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into Great Britain from Ireland or into Ireland from Great Britain shall be deemed to be articles exported or imported for the purposes of information to be furnished under the Customs Consolidation Act, 1876, and Section 4 of the Revenue Act, 1909, and for the purpose of any duty or drawback payable in the circumstances for which provision is made under this section, but not for any other purpose.

(2) Where a customs duty is levied in one country and not in the other, or is levied in both countries but at a higher rate in one country than in the other, duty shall be charged and drawback allowed in respect of articles being articles produced, prepared, or manufactured abroad as follows—

(a) *The customs duty shall be charged on any such articles brought into the one country from the other country as if they were articles imported from abroad, except that in the case of articles produced abroad but manufactured or prepared in the country from which they are sent, the customs duty charged shall, if the drawback which would be allowed on the exportation of similar articles from the country into which the articles are brought is less than the duty payable on importation, be a duty equal to the drawback; and*

(b) A drawback shall be allowed on any such articles sent from the one country into the other equal to the drawback which would be allowed upon the exportation of the articles from the country from which they are sent.

(3) Where an excise duty is levied in one country and not in the other, or is levied in both countries, but at a higher rate in the one country than in the other, duty shall be charged and drawback allowed in respect of articles being articles produced, prepared, or manufactured in either country as follows:—

(a) *A customs duty shall be charged on any such articles brought into the one country from the other country as if they were articles imported from abroad, equal to the amount of the excise duty levied in the country into which they are brought; and*

(b) A drawback shall be allowed on any such articles sent from the one country into the other equal to the amount of the excise duty levied in the country from which they are sent.

(4) The proceeds of any customs duty charged under this section in Ireland on any article shall to the extent to which they exceed the proceeds of the customs or excise duty which would have been charged on the article in Great Britain be deemed to be the proceeds of a customs duty levied as an Irish tax, if the duty is charged in

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<p>respect of a difference of customs duties, and be deemed to be the proceeds of an excise duty levied as an Irish tax if the duty is charged in respect of a difference of excise duties, and as to the balance be deemed to be the proceeds of an Imperial tax.</p>	
<p>(5) Nothing in this section shall affect any enactment under which articles deposited in a bonded warehouse without payment of duty may be transferred from one country to the other country.</p>	
<p><i>Supplemental Provisions as to Transferred Sum and Irish Revenue.</i></p>	
<p>17. (1) The Transferred Sum shall be paid to the Irish Exchequer at such times and in such manner and according to such regulations as the Joint Exchequer Board may direct.</p>	
<p>(2) In the event of the reduction or discontinuance of any Imperial tax by the Irish Parliament, the Transferred Sum shall be reduced in each financial year by such sum as may be determined by the Joint Exchequer Board to represent the amount by which the proceeds of the tax are diminished in that year in consequence of the reduction or discontinuance.</p>	
<p>(3) If in any financial year the proceeds of any Irish tax imposed as an addition to any customs duty levied as an Imperial tax (other than a customs duty on beer or spirits), or to any duty of income tax so levied, or to any death duty so levied, exceed <i>one-tenth</i> of the proceeds in Ireland of that duty as levied as an Imperial tax for the same period, the amount of the excess shall not be treated for the purposes of this Act as part of the proceeds of the Irish tax, and the amount payable to the Irish Exchequer in respect of the proceeds of the Irish tax shall be reduced accordingly :</p>	
<p>Provided that—</p>	
<p>(a) For the purposes of this provision, the proceeds of any tax shall be deemed to be the proceeds as determined by the Joint Exchequer Board; and</p>	
<p>(b) The foregoing provision shall not apply in cases where the excess is solely due to the reduction of the rate of the Imperial tax.</p>	
<p>(4) <i>When any reserved service is transferred from the Government of the United Kingdom to the Government of Ireland, the Transferred Sum shall be increased by such sum as may be determined by the Joint Exchequer Board to represent the equivalent of any saving to the Exchequer of the United Kingdom by reason of the transfer, and in determining that equivalent regard shall be had to the prospect of any increase or decrease in the cost of that service which may</i></p>	



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*be expected to arise from causes not being matters of administration.*

The sum by which the Transferred Sum is to be increased in pursuance of this provision may be fixed by the Joint Exchequer Board so as to vary during the first ten years after the transfer, but subject thereto shall be a definite sum.

*Charge on Transferred Sum of Sums Charged on the Guarantee Fund.*

18. The charge on the Guarantee Fund under the Irish Land Purchase Acts in respect of—

- (1) sums which owing to the deficiency of the Irish Land Purchase Account, are paid out of the Consolidated Fund on account of the dividends and sinking fund payments of Irish guaranteed land stock under Section 1 of the Purchase of Land (Ireland) Act, 1891; and
- (2) sums which, owing to the deficiency of the income of the Irish Land Purchase Fund, are paid out of the Consolidated Fund on account of the dividends on stock under Section 29 of the Irish Land Act, 1903;
- (3) arrears of annual payments under Sub-section (4) of Section 36 of the Irish Land Act, 1903;

shall cease, and any such sums or arrears which would under the Irish Land Purchase Acts have been made good out of the Guarantee Fund, shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.

*Development Fund and Road Improvement Grant.*

19. (1) Nothing in this Act shall affect the powers of the Development Commissioners or the Road Board with respect to Ireland under the Development and Road Improvement Funds Act, 1909, and for the purposes of that Act any Irish department shall be deemed to be a Government department within the meaning of that Act.

(2) So long as a sum equal to the net proceeds of the duties on motor spirits and the net proceeds of the duties on licences for motor cars levied in Ireland is paid as part of the road improvement grant under Section 90 of the Finance (1909-10) Act, 1910, the proceeds of those duties shall not be treated for the purposes of the financial provisions of this Act as the proceeds of an Imperial tax levied in Ireland.

*Irish Church Fund.*

20. (1) The Irish Church Temporalities Fund shall belong to the Irish Government and be managed, administered, and disposed of as directed by Irish Act:

Provided that all existing charges on that

15. (1) All existing charges on the Church property in Ireland—that is to say, all property accruing under the Irish Church Act, 1869, and transferred to the Irish Land Commission by the Irish Church Amend-

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893,  
As introduced.

1886.

15. (1) All existing charges on the Church property in Ireland—that is to say, all property accruing under the Irish Church Act, 1869, and transferred to the Irish Land Commission by the Irish Church Amendment

16. Until all charges which are payable out of the Church property in Ireland, and are guaranteed by the Treasury, have been fully paid, the Irish Land Commission shall continue as heretofore to exist, with such

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
<p>fund guaranteed by the Treasury shall, if and so far as not paid, be paid out of the Exchequer of the United Kingdom, and be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.</p> <p>(2) The Irish Church Temporalities Fund means the fund under the control of the Land Commission by virtue of the Irish Church Act Amendment Act, 1881.</p>	<p>ment Act, 1881—shall so far as not paid out of the said property be charged on the Irish Consolidated Fund, and any of those charges guaranteed by the Treasury, if and so far as not paid, shall be paid out of the Exchequer of the United Kingdom.</p> <p>(2) Subject to the existing charges thereon, the said Church property shall belong to the Irish Government, and be managed, administered, and disposed of as directed by Irish Act.</p>

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1893.  
As introduced.

1886.

Act, 1881—shall so far as not paid out of the said property be charged on the Irish Consolidated Fund, and any of those charges guaranteed by the Treasury, if and so far as not paid, shall be paid out of the Exchequer of the United Kingdom.

(2) Subject to the existing charges thereon, the said Church property shall belong to the Irish Government, and be managed, administered, and disposed of as directed by Irish Act.

Commissioners and officers receiving such salaries as the Treasury may from time to time appoint, and to administer the Church property and apply the income and other moneys receivable therefrom; and so much of the salaries of such Commissioners and officers and expenses of the office as is not paid out of the Church property shall be paid out of the moneys carried to the Customs and Excise Account under this Act, and if those moneys are insufficient, out of the Consolidated Fund of Ireland, and if not so paid, shall be paid out of moneys provided by Parliament.

Provided as follows:—

(a) All charges on the Church property for which a guarantee has been given by the Treasury before the passing of this Act shall, so far as they are not paid out of such property, be paid out of the moneys carried to the Customs and Excise Account under this Act, and if such moneys are insufficient, the Consolidated Fund of Ireland, without prejudice nevertheless to the guarantee of the Treasury:

(b) All charges on the Church property, for which no guarantee has been given by the Treasury before the passing of this Act shall be charged on the Consolidated Fund of Ireland, but shall not be guaranteed by the Treasury nor charged on the Consolidated Fund of the United Kingdom.

(2) Subject to any existing charges on the Church property, such property shall belong to the Irish Government and any portion of the annual revenue thereof which the Treasury, on the application of the Irish Government, certify at the end of any financial year not to be required for meeting charges, shall be paid over and applied as part of the public revenues under the control of the Irish Government.

(3) As soon as all charges on the Church property guaranteed by the Treasury have been paid, such property may be managed and administered, and subject to existing charges thereon disposed of, and the income or proceeds thereof applied, in such manner as the Irish Legislature may from time to time direct.

(4) "Church property" in this section means all property accruing under the Irish Church Act, 1869, and transferred to the Irish Land Commission by the Irish Church Act Amendment Act, 1881.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893,  
As amended.

## *Supplemental Provisions as to Irish Exchequer and Consolidated Fund.*

21. (1) All sums paid into the Irish Exchequer shall form a Consolidated Fund, and be appropriated to the public service of Ireland by Irish Act, and shall not be applied for any purpose for which they are not so appropriated.

(2) Save as may be otherwise provided by Irish Act, the existing law relating to the Exchequer and Consolidated Fund of the United Kingdom shall apply with the necessary modifications to the Irish Exchequer and the Irish Consolidated Fund, and an officer shall be appointed by the Lord Lieutenant to be the Irish Comptroller and Auditor-General.

(3) Save as may be otherwise provided by Irish Act, the accounts of the Irish Consolidated Fund shall be audited as Appropriation Accounts, in manner provided by the Exchequer and Audit Departments Act, 1866, and any Act amending the same, by or under the direction of the Irish Comptroller and Auditor-General.

## *Joint Exchequer Board.*

22. (1) For the purposes of the financial provisions of this Act there shall be established a Board to be called the Joint Exchequer Board, consisting of two members appointed by the Treasury and two members appointed by the Irish Treasury and a Chairman appointed by His Majesty.

(2) It shall be the duty of the Joint Exchequer Board to determine any matter which is to be determined by the Board under this Act, and also to determine any other matter in connection with the Transferred Sum, or Irish revenue or expenditure, or the cost of any reserved service, which may be referred to them for determination by the Treasury and the Irish Treasury jointly, and the decision of the Board on any matter which is to be determined by them shall be final and conclusive.

(3) Any vacancy arising in the office of a member of the Board, owing to the death, resignation, or incapacity of any member of the Board, shall be filled by the authority by whom the member whose place is vacant was appointed.

## *Charge of Irish Government Loans on Transferred Sum and Management by Joint Exchequer Board.*

23. (1) If provision is made by Irish Act for securing any loan raised by the Government of Ireland upon the Transferred Sum and for the payment of such part of the Transferred Sum as in the opinion of the Joint Exchequer Board may be required for the services of the loan in each year direct

30. Save as may be otherwise provided by Irish Act—

- (a) The existing law relating to the Exchequer and Consolidated Fund of the United Kingdom shall apply with the necessary modifications to the Exchequer and Consolidated Fund of Ireland, and an officer shall be appointed by the Lord Lieutenant to be the Irish Comptroller and Auditor-General; and
- (b) The accounts of the Irish Consolidated Fund shall be audited as appropriation accounts in manner provided by the Exchequer and Audit Departments Act, 1866, by or under the direction of such officer.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893.  
As introduced.

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31. Save as may be otherwise provided by Irish Act—

- (a) The existing law relating to the Exchequer and Consolidated Fund of the United Kingdom shall apply with the necessary modifications to the Exchequer and Consolidated Fund of Ireland, and an officer shall be appointed by the Lord Lieutenant to be the Irish Comptroller and Auditor-General; and
- (b) The accounts of the Irish Consolidated Fund shall be audited as appropriation accounts in manner provided by the Exchequer and Audit Departments Act, 1866, by or under the direction of such officer.

33. Save as otherwise provided by the Irish Legislature—

- (a) The existing law relating to the Exchequer and the Consolidated Fund of the United Kingdom shall apply to the Irish Exchequer and Consolidated Fund, and an officer shall from time to time be appointed by the Lord Lieutenant to fill the office of the Comptroller General of the receipt and issue of Her Majesty's Exchequer and Auditor-General of public accounts so far as respects Ireland; and
- (b) The accounts of the Irish Consolidated Fund shall be audited as appropriation accounts in manner provided by the Exchequer and Audit Departments Act, 1866, by or under the direction of the holder of such office.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
<p>to that Board, the Board may undertake on behalf of the Irish Government the issue and management of the loan and the application of the money paid to them for the services of the loan.</p>	
<p>(2) Where provision is so made for the payment of a part of the Transferred Sum to the Joint Exchequer Board in connection with a loan the management of which is undertaken by the Board in accordance with this section, the Treasury shall cause the requisite part of the Transferred Sum to be paid to the Joint Exchequer Board instead of to the Irish Exchequer.</p>	
<p>(3) The accounts of the Joint Exchequer Board in respect of any sums received by them under this section in connection with any loan shall be audited in the same manner as the accounts of the Irish Consolidated Fund are for the time being audited.</p>	
<p>(4) Any stock or securities issued in respect of any loan raised by the Irish Government shall be deemed to be included amongst the securities in which a trustee may invest under the powers of the Trustee Act, 1893.</p>	
<p style="text-align: center;"><i>Ascertainment of True Irish Revenue.</i></p>	
<p>24. In ascertaining for the purposes of this Act the proceeds in Ireland of any Imperial tax or of any Irish tax, the Joint Exchequer Board shall treat the proceeds collected in Ireland as the proceeds of the tax in Ireland, subject to such adjustments as the Board think equitable, with a view to attributing to Ireland any proceeds of taxes collected in Great Britain but properly attributable to Ireland, and to attributing to Great Britain any proceeds of taxes collected in Ireland but properly attributable to Great Britain, and with a view to meeting cases where the rate of a tax is, or other conditions affecting the charge of a tax are, different in Great Britain and Ireland.</p>	
<p style="text-align: center;"><i>Alteration of Taxes to be treated as Increases or Reductions of Taxes, as the case may be.</i></p>	
<p>25. For the purposes of this Act the withdrawal in whole or in part of an exemption from a tax shall be treated as the imposition of an addition to or as the increase of a tax, and the grant or extension of an exemption from a tax shall be treated as a reduction of a tax, and any other alteration of the provisions with respect to any tax in consequence of which the proceeds of the tax are increased or diminished shall be treated as an increase or reduction of the tax, as the case may be.</p>	
<p style="text-align: center;"><i>Revision of Financial Arrangements in Certain Events.</i></p>	
<p>26. (1) If it appears to the Joint Ex-</p>	





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1912.	1893, As amended.
<p>chequer Board that during any three successive years <i>after the passing of this Act</i>, the aggregate of the total proceeds of Imperial taxes levied in Ireland as determined by the Board, and the total proceeds of Irish taxes as so determined, together with any share in any miscellaneous revenue of the United Kingdom to which the Joint Exchequer Board may consider Ireland to be entitled, exceeded in each of those years the amount of the Transferred Sum, together with the cost of any services which are for the time being reserved services, the Board shall present a report to that effect to the Treasury and to the Lord Lieutenant, and the Treasury and the Lord Lieutenant shall cause a copy of the report to be laid before the Parliament of the United Kingdom and the Irish Parliament respectively.</p>	
<p>(2) The presentation of such a report shall be taken to be a ground for the revision by the Parliament of the United Kingdom of the financial provisions of this Act, with a view to securing a proper contribution from Irish revenues towards the common expenditure of the United Kingdom and extending the powers of the Irish Parliament and the Irish Government with respect to the imposition and collection of taxes.</p>	
<p>(3) For the purpose of revising the financial provisions of this Act in pursuance of this section, there shall be summoned to the Commons House of Parliament of the United Kingdom such number of members of the Irish House of Commons as will make the representation of Ireland in the Commons House of Parliament of the United Kingdom equivalent to the representation of Great Britain on the basis of population; and the members of the Irish House of Commons so summoned shall be deemed to be members of the Commons House of Parliament of the United Kingdom for the purpose of any such revision.</p>	
<p>His Majesty may by Order in Council make such provision for so summoning the members of the Irish House of Commons as His Majesty may think necessary or proper, and any provisions contained in any such Order in Council shall have the same effect as if they had been enacted in this Act.</p>	
	<p>16. (1) All sums paid or applicable in or towards the discharge of the interest or principal of any local loan advanced before the appointed day on security in Ireland, or otherwise in respect of such loan, which but for this Act would be paid to the National Debt Commissioners, and carried to the Local Loans Fund shall, after the appointed day, be paid, until otherwise provided by Irish Act, to the Irish Exchequer.</p> <p>(2) For the payment to the Local Loans Fund of the principal and interest of such</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893,  
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1886.

16. (1) All sums paid or applicable in or towards the discharge of the interest or principal of any local loan advanced before the appointed day on security in Ireland, or otherwise in respect of such loan, which but for this Act would be paid to the National Debt Commissioners, and carried to the Local Loans Fund, shall, after the appointed day, be paid, until otherwise provided by Irish Act, to the Irish Exchequer.

(2) For the payment to the Local Loans Fund of the principal and interest of such

17. (1) All sums due for principal or interest to the Public Works Loan Commissioners or to the Commissioners of Public Works in Ireland in respect of existing loans advanced on any security in Ireland shall on and after the appointed day be due to the Government of Ireland instead of the said Commissioners, and such body of persons as the Government of Ireland may appoint for the purpose shall have all the powers of the said Commissioners or their secretary for enforcing payment of such sums, and all

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
	<p>loans, the Irish Government shall after the appointed day pay by half-yearly payments an annuity for forty-nine years, at the rate of four per cent. on the principal of the said loans, exclusive of any sums written off before the appointed day from the account of assets of the Local Loans Fund, and such annuity shall be paid from the Irish Exchequer to the Exchequer of the United Kingdom, and when so paid shall be forthwith paid to the National Debt Commissioners for the credit of the Local Loans Fund.</p> <p>(3) After the appointed day, money for loans in Ireland shall cease to be advanced either by the Public Works Loan Commissioners or out of the Local Loans Fund.</p> <p>17. (1) So much of any Act as directs payment to the Local Taxation (Ireland) Account of any share of probate, excise or customs duties shall, together with any enactment amending the same, be repealed as from the appointed day without prejudice to the adjustment of balances after that day; but until otherwise provided by Irish Act, the like amounts shall be paid out of the Irish Exchequer to the Guarantee Fund or Local Taxation (Ireland) Account as would have been paid out of the said duties if this Act had not passed.</p> <p>(2) The like amounts shall continue to be paid out of the aggregate of the said duties to the Local Taxation Accounts in England and Scotland as would have been paid if this Act had not passed, and any residue of the said duties which forms part of the revenue of Great Britain shall be paid into the Exchequer of the United Kingdom.</p> <p>(3) Notwithstanding anything in the Purchase of Land (Ireland) Act, 1891, the advances made by the issue of guaranteed land stock under that Act shall not, save as in section nine of that Act provided, exceed twenty-five times the share of each county in the guarantee fund, which shall be ascertained on the basis of the financial year in which this Act is passed.</p> <p>(4) The general revenue of Ireland and the sums payable thereout shall be paid to and from such account and in such manner as the Treasury direct.</p> <p>(5) Where any sum payable by virtue of this Act to the Exchequer of the United Kingdom is required by law to be forthwith paid to the National Debt Commissioners or to any other person, that sum may be so paid without being paid into the Exchequer.</p> <p>(6) All sums by this Act made payable from the Exchequer of the United Kingdom shall be charged on and paid out of the Consolidated Fund of the United Kingdom.</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893i

As introduced,

1886.

loans, the Irish Government shall after the appointed day pay by half-yearly payments an annuity for *forty-nine* years, at the rate of *four* per cent. on the principal of the said loans, exclusive of any sums written off before the appointed day from the account of assets of the Local Loans Fund, and such annuity shall be paid from the Irish Exchequer to the Exchequer of the United Kingdom, and when so paid shall be forthwith paid to the National Debt Commissioners for the credit of the Local Loans Fund.

(3) After the appointed day, money for loans in Ireland shall cease to be advanced either by the Public Works Loan Commissioners or out of the Local Loans Fund.

17. (1) So much of any Act as directs payment to the Local Taxation (Ireland) Account of any share of probate, excise, or customs duties payable to the Exchequer of the United Kingdom shall, together with any enactment amending the same, be repealed as from the appointed day without prejudice to the adjustment of balances after that day; but the like amounts shall continue to be paid to the Local Taxation Accounts in England and Scotland as would have been paid if this Act had not passed, and any residue of the said share shall be paid into the Exchequer of the United Kingdom.

(2) The stamp duty chargeable in respect of the personalty of a deceased person shall not in the case of administration granted in Great Britain be chargeable in respect of any personalty situate in Ireland, nor in the case of administration granted in Ireland be chargeable in respect of any personalty situate in Great Britain; and any administration granted in Great Britain shall not, if re-sealed in Ireland, be exempt from stamp duty on administration granted in Ireland, and any administration granted in Ireland shall not, when re-sealed in Great Britain, be exempt from stamp duty on administration granted in Great Britain.

(3) In this section the expression "administration" means probate or letters of administration, and as respects Scotland, confirmation inclusive of the inventory required under the Acts relating to the said stamp duty, and the expression "personalty" means personal or movable estate and effects.

securities for such sums given to such Commissioners or their secretary shall have effect as if the said body were therein substituted for those Commissioners or their secretary.

(2) For the repayment of the said loans to the Consolidated Fund of the United Kingdom the Irish Government shall pay annually into that fund by half-yearly payments on the *first day of January* and the *first day of July*, or on such other days as may be agreed on, such instalments of the principal of the said loans as will discharge all the loans within *thirty* years from the appointed day, and shall also pay interest half-yearly on so much of the said principal as from time to time remains unpaid at the rate of *three* per cent. per annum, and such instalments of principal and interest shall be paid out of the moneys carried to the Customs and Excise Account under this Act, and if those are insufficient, out of the Consolidated Fund of Ireland.

18. If Her Majesty declares that a state of war exists and is pleased to signify such declaration to the Irish Legislative Body by speech or message, it shall be lawful for the Irish Legislature to appropriate a further sum out of the Consolidated Fund of Ireland in aid of the Army or Navy, or other measures which Her Majesty may take for the prosecution of the war and defence of the realm, and to provide and raise money for that purpose; and all moneys so provided and raised, whether by loan, taxation, or otherwise, shall be paid into the Consolidated Fund of the United Kingdom. (*See p. 28, col. 2.*)

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
<p>PROVISIONS AS TO JUDICIAL POWER.</p> <p><i>Tenure of Office by Judges.</i></p> <p>27. A judge of the Supreme Court or other superior court in Ireland, or of any county court or other court with a like jurisdiction in Ireland, appointed <i>after the passing of this Act</i>, shall be appointed by the Lord Lieutenant, and shall hold his office by the same tenure as that by which the office is held at the time of the passing of this Act, with the substitution of an address from both Houses of the Irish Parliament for an address from both Houses of the Parliament of the United Kingdom, and during his continuance in office his salary shall not be diminished or his right to pension altered without his consent.</p>	<p>25. A judge of the Supreme Court or other superior court in Ireland, or of any county court or other court with a like jurisdiction in Ireland, appointed after the passing of this Act, shall be appointed by the Lord Lieutenant, and shall not be removed from his office except in pursuance of an address from the two Houses of the Legislature of Ireland, nor during his continuance in office shall his salary be diminished or right to pension altered without his consent.</p> <p>19. (1) Two of the judges of the Supreme Court in Ireland shall be Exchequer judges, and shall be appointed under the great seal of the United Kingdom; and their salaries and pensions shall be charged on and paid out of the Consolidated Fund of the United Kingdom.</p> <p>(2) The Exchequer judges shall be removable only by Her Majesty on address from the two Houses of Parliament, and each such judge shall, save as otherwise provided by Parliament, receive the same salary and be entitled to the same pension as is at the time of his appointment fixed for the puisne judges of the Supreme Court, and during his continuance in office his salary shall not be diminished, nor his right to pension altered, without his consent.</p> <p>(3) An alteration of any rules relating to such legal proceedings as are mentioned in this section shall not be made except with the approval of Her Majesty the Queen in Council; and the sittings of the Exchequer judges shall be regulated with the like approval.</p> <p>(4) The Queen in Council may make rules respecting all legal proceedings in Ireland, which are instituted at the instance of or against the Treasury or Commissioners of Customs, or any of their officers, or relate to the election of members to serve in Parliament, or touch any matter not within the powers of the Irish Legislature, or touch any matter affected by a law which the Irish Legislature have not power to repeal or alter, and subject to such rules, all such proceedings shall, if so required by any party to such</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

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26. A judge of the Supreme Court or other superior court in Ireland, or of any county court or other court with a like jurisdiction in Ireland, appointed after the passing of this Act, shall not be removed from his office except in pursuance of an address from the two Houses of the Legislature of Ireland, nor during his continuance in office shall his salary be diminished or right to pension altered without his consent.

19. (1) Two of the judges of the Supreme Court in Ireland shall be Exchequer judges, and shall be appointed under the great seal of the United Kingdom; and their salaries and pensions shall be charged on and paid out of the Consolidated Fund of the United Kingdom.

(2) The Exchequer judges shall be removable only by Her Majesty on address from the two Houses of Parliament, and each such judge shall, save as otherwise provided by Parliament, receive the same salary and be entitled to the same pension as is at the time of his appointment fixed for the puisne judges of the Supreme Court, and during his continuance in office his salary shall not be diminished, nor his right to pension altered, without his consent.

(3) An alteration of any rules relating to such legal proceedings as are mentioned in this section shall not be made except with the approval of Her Majesty the Queen in Council; and the sittings of the Exchequer judges shall be regulated with the like approval.

(4) All legal proceedings in Ireland, which are instituted at the instance of or against the Treasury or Commissioners of Customs, or any of their officers, or relate to the election of members to serve in Parliament, or touch any matter within the powers of the Irish Legislature, or touch any matter affected by a law which the Irish Legislature have not power to repeal or alter, shall, if so required by any party to such proceedings, be heard and determined before the Exchequer judges or (except where the case

27. A judge of the Supreme Court of Judicature or other superior court of Ireland, or of any county court or other court with a like jurisdiction in Ireland, appointed after the passing of this Act, shall not be removed from his office except in pursuance of an address to Her Majesty from both orders of the Legislative Body voting separately, nor shall his salary be diminished or right to pension altered during his continuance in office.

20. (1) On and after the appointed day, the Exchequer Division of the High Court of Justice shall continue to be a Court of Exchequer for revenue purposes under this Act, and whenever any vacancy occurs in the office of any judge of such Exchequer Division, his successor shall be appointed by Her Majesty on the joint recommendation of the Lord Lieutenant of Ireland and the Lord High Chancellor of Great Britain.

(2) The judges of such Exchequer Division appointed after the passing of this Act shall be removable only by Her Majesty on address from the two Houses of the Imperial Parliament, and shall receive the same salaries and pensions as those payable at the passing of this Act to the existing judges of such division, unless with the assent of Her Majesty in Council first obtained, the Irish Legislature alters such salaries or pensions, and such salaries and pensions shall be paid out of the moneys carried to the Customs and Excise Account in pursuance of this Act, and of the same are insufficient shall be paid out of the Irish Consolidated Fund, and if not so paid shall be paid out of the Consolidated fund of the United Kingdom.

(3) An alteration of any rules relating to the procedure in such legal proceedings as are mentioned in this section shall not be made except with the approval of the Lord High Chancellor of Great Britain, and the sittings of the Exchequer Division and the judges thereof shall be regulated with the like approval.

(4) All legal proceedings instituted in Ireland by or against the Commissioners or any officers of customs or excise, or the Treasury, shall, if so required by any party to such proceedings, be heard and determined before the judges of such Exchequer Division, or some or one of them, and any appeal from the decision in any such legal proceeding, if by a judge, shall lie to the said division, and if by the Exchequer Division, shall lie to the House of Lords, and not to any other tribunal;

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1893,  
As amended.

proceedings, be heard and determined before the Exchequer judges, or (except where the case requires to be determined by two judges) before one of them, and in any such legal proceeding an appeal shall, if any party so requires, lie from any court of first instance in Ireland to the Exchequer judges, and the decision of the Exchequer judges shall be subject to appeal to Her Majesty the Queen in Council and not to any other tribunal.

(5) If it is made to appear to an Exchequer judge that any decree or judgment in any such proceeding as aforesaid has not been duly enforced by the sheriff or other officer whose duty it is to enforce the same, such judge shall appoint some officer whose duty it shall be to enforce that judgment or decree; and for that purpose such officer and all persons employed by him shall be entitled to the same privileges, immunities, and powers as are by law conferred on a sheriff and his officers.

(6) The Exchequer judges, when not engaged in hearing and determining such legal proceedings as above in this section mentioned, shall perform such of the duties ordinarily performed by other judges of the Supreme Court in Ireland as may be assigned by Her Majesty the Queen in Council.

(7) All sums recovered by the Treasury or the Commissioners of Customs or any of their officers, or recovered under any Act relating to duties of customs, shall, notwithstanding anything in any other Act, be paid to such public account as the Treasury or the Commissioners direct.

(8) This section shall apply, in the case of the Commissioners of Inland Revenue and the Postmaster-General, and their and his officers, as if Commissioners of Customs included the said Commissioners of Inland Revenue and Postmaster-General.

## *Irish Appeals.*

23. (1) The appeal from courts in Ireland to the House of Lords shall cease; and where any person would, but for this Act, have a right to appeal from any court in Ireland to the House of Lords, that person shall have the like right to appeal to His Majesty the King in Council; and all enactments relating to appeals to His Majesty the King in Council, and to the Judicial Committee of the Privy Council, shall apply accordingly.

(2) When the Judicial Committee sit for hearing any appeal from a court in Ireland in pursuance of any provisions of this Act, there shall be present not less than four Lords of Appeal, within the meaning of the Appellate Jurisdiction Act, 1876, and at least one member who is or has been a judge

21. (1) The appeal from courts in Ireland to the House of Lords shall cease; and where any person would, but for this Act, have a right to appeal from any court in Ireland to the House of Lords, such person shall have the like right to appeal to Her Majesty the Queen in Council; and the right so to appeal shall not be affected by any Irish Act; and all enactments relating to appeals to Her Majesty the Queen in Council, and to the Judicial Committee of the Privy Council, shall apply accordingly.

(2) When the Judicial Committee sit for hearing appeals from a court in Ireland, there shall be present not less than four Lords of Appeal, within the meaning of the Appellate Jurisdiction Act, 1876, and at least one member who is or has been a judge of the Supreme Court in Ireland.



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requires to be determined by two judges) before one of them, and in any such legal proceeding an appeal shall, if any party so requires, lie from any court of first instance in Ireland to the Exchequer judges, and the decision of the Exchequer judges shall be subject to appeal to Her Majesty the Queen in Council and not to any other tribunal.

(5) If it is made to appear to an Exchequer judge that any decree or judgment in any such proceeding as aforesaid has not been duly enforced by the sheriff or other officer whose duty it is to enforce the same, such judge shall appoint some officer whose duty it shall be to enforce the judgment or decree : and for that purpose such officer and all persons employed by him shall be entitled to the same privileges, immunities, and powers as are by law conferred on a sheriff and his officers.

(6) The Exchequer judges, when not engaged in hearing and determining such legal proceedings as above in this section mentioned, shall perform such of the duties ordinarily performed by other judges of the Supreme Court in Ireland as may be assigned by Her Majesty the Queen in Council.

(7) All sums recovered by the Treasury or the Commissioners of Customs or any of their officers, or recovered under any Act relating to duties of customs, shall, notwithstanding anything in any other Act, be paid to such public account as the Treasury or the Commissioners direct.

22. (1) The appeal from courts in Ireland to the House of Lords shall cease ; and where any person would, but for this Act, have a right to appeal from any court in Ireland to the House of Lords, such person shall have the like right to appeal to Her Majesty the Queen in Council ; and the right so to appeal shall not be affected by any Irish Act ; and all enactments relating to appeals to Her Majesty the Queen in Council, and to the Judicial Committee of the Privy Council, shall apply accordingly.

(2) When the Judicial Committee sit for hearing appeals from a court in Ireland, there shall be present not less than four Lords of Appeal, within the meaning of the Appellate Jurisdiction Act, 1876, and at least one member who is or has been a judge of the Supreme Court in Ireland.

and if it is made to appear to such judges, or any of them, that any decree or judgment in any such proceeding as aforesaid, has not been duly enforced by the sheriff or other officer whose duty it is to enforce the same, such judges or judge shall appoint some officer to enforce such judgment or decree ; and it shall be the duty of such officer to take proper steps to enforce the same, and for that purpose such officer and all persons employed by him shall be entitled to the same immunities, powers, and privileges as are by law conferred on a sheriff and his officers.

(5) All sums recovered in respect of duties of customs and excise, or under any Act relating thereto, or by an officer of customs or excise, shall, notwithstanding anything in any other Act, be paid to the Treasury, and carried to the Customs and Excise Account under this Act.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893.  
As amended.

of the Supreme Court in Ireland.

(3) A rota of privy councillors to sit for hearing appeals from courts in Ireland shall be made annually by His Majesty in Council, and the privy councillors, or some of them, on that rota shall sit to hear the said appeals. A casual vacancy occurring in the rota during the year may be filled by Order in Council.

(4) Nothing in this Act shall affect the jurisdiction of the House of Lords to determine the claims to Irish peerages.

## *Special Provision for Decision of Constitutional Questions.*

29. (1) If it appears to the Lord Lieutenant or a Secretary of State expedient in the public interest that steps shall be taken for the speedy determination of the question whether any Irish Act or any provision thereof, or any Irish Bill or any provision thereof, is beyond the powers of the Irish Parliament, he may represent the same to His Majesty in Council, and thereupon the said question shall be forthwith referred to and heard and determined by the Judicial Committee of the Privy Council, constituted as if hearing an appeal from a court in Ireland.

(2) Upon the hearing of the question such persons as seem to the Judicial Committee to be interested may be allowed to appear and be heard as parties to the case, and the decision of the Judicial Committee shall be given in like manner as if it were the decision of an appeal, the nature of the report or recommendation to His Majesty being stated in open court.

(3) Nothing in this Act shall prejudice any other power of His Majesty in Council to refer any question to the Judicial Committee or the right of any person to petition His Majesty for such reference.

(3) A rota of privy councillors to sit for hearing appeals from courts in Ireland shall be made annually by Her Majesty in Council, and the privy councillors, or some of them, on that rota shall sit to hear the said appeals. A casual vacancy in such rota during the year may be filled by Order in Council.

(4) Nothing in this Act shall affect the jurisdiction of the House of Lords to determine the claims to Irish peerages.

22. (1) If it appears to the Lord Lieutenant or a Secretary of State expedient in the public interest that steps shall be taken for the speedy determination of the question whether any Irish Act or any provision thereof is beyond the powers of the Irish Legislature, he may represent the same to Her Majesty in Council, and thereupon the said question shall be forthwith referred to and heard and determined by the Judicial Committee of the Privy Council, constituted as if hearing an appeal from a court in Ireland.

(2) Upon the hearing of the question such persons as seem to the Judicial Committee to be interested may be allowed to appear and be heard as parties to the case, and the decision of the Judicial Committee shall be given in like manner as if it were the decision of an appeal, the nature of the report or recommendation to Her Majesty being stated in open court.

(3) Nothing in this Act shall prejudice any other power of Her Majesty in Council to refer any question to the Judicial Committee or the right of any person to petition Her Majesty for such reference.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893,  
As introduced.

1886.

(3) A rota of privy councillors to sit for hearing appeals from courts in Ireland shall be made annually by Her Majesty in Council, and the privy councillors, or some of them, on that rota shall sit to hear the said appeals. A casual vacancy in such rota during the year may be filled by Order in Council.

(4) Nothing in this Act shall affect the jurisdiction of the House of Lords to determine the claims to Irish peerages.

23. (1) If it appears to the Lord Lieutenant or a Secretary of State expedient in the public interest that steps shall be taken for the speedy determination of the question whether any Irish Act or any provision thereof is beyond the powers of the Irish Legislature, he may represent the same to Her Majesty in Council, and thereupon the said question shall be forthwith referred to and heard and determined by the Judicial Committee of the Privy Council, constituted as if hearing an appeal from a court in Ireland.

(2) Upon the hearing of the question such persons as seem to the Judicial Committee to be interested may be allowed to appear and be heard as parties to the case, and the decision of the Judicial Committee shall be given in like manner as if it were the decision of an appeal, the nature of the report or recommendation to Her Majesty being stated in open court.

(3) Nothing in this Act shall prejudice any other power of Her Majesty in Council to refer any question to the Judicial Committee or the right of any person to petition Her Majesty for such reference.

36. Save as is in this Act provided with respect to matters to be decided by Her Majesty in Council, nothing in this Act shall affect the appellate jurisdiction of the House of Lords in respect of actions and suits in Ireland, or the jurisdiction of the House of Lords to determine the claims to Irish peerages.

25. Questions arising as to the powers conferred on the Legislature of Ireland under this Act shall be determined as follows:—

- (a) If any such question arises on any Bill passed by the Legislative Body, the Lord Lieutenant may refer such question to Her Majesty in Council;
- (b) If, in the course of any action or other legal proceeding, such question arises on any Act of the Irish Legislature, any party to such action or other legal proceeding may, subject to the rules in this section mentioned, appeal from a decision on such question to Her Majesty in Council;
- (c) If any such question arises otherwise than as aforesaid on any Act of the Irish Legislature, the Lord Lieutenant or one of Her Majesty's principal Secretaries of State may refer such question to Her Majesty in Council;
- (d) Any question referred or appeal brought under this section to Her Majesty in Council shall be referred for the consideration of the Judicial Committee of the Privy Council;
- (e) The decision of Her Majesty in Council on any question referred or appeal brought under this section shall be final, and a Bill which may be so decided to be, or contain a provision, in excess of the powers of the Irish Legislature shall not be assented to by the Lord Lieutenant; and a provision of any Act which is so decided to be in excess of the powers of the Irish Legislature shall be void;
- (f) There shall be added to the Judicial Committee when sitting for the purpose of considering questions under this section, such members of Her Majesty's Privy Council, being or having been Irish judges, as to Her Majesty may seem meet;
- (g) Her Majesty may, by Order in Council

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
<p><i>Appeal in Cases where the Validity of an Irish Law is Questioned.</i></p> <p>30. (1) Where any decision of the Court of Appeal in Ireland involves the decision of any question as to the validity of any law made by the Irish Parliament, and the decision is not otherwise subject to an appeal to His Majesty the King in Council, an appeal shall lie to His Majesty the King in Council by virtue of this section, but only by leave of the Court of Appeal or His Majesty.</p> <p>(2) Where any decision of a court in Ireland involves the decision of any question as to the validity of any law made by the Irish Parliament, and the decision is not subject to any appeal to the Court of Appeal in Ireland, an appeal shall lie to the Court of Appeal in Ireland by virtue of this section.</p> <p><b>LORD LIEUTENANT.</b> <i>Office of Lord Lieutenant.</i></p> <p>31. (1) Notwithstanding anything to the contrary in any Act, every subject of His Majesty shall be qualified to hold the office of Lord Lieutenant of Ireland, without reference to his religious belief.</p> <p>(2) The term of office of the Lord Lieutenant shall be six years, without prejudice to the power of His Majesty at any time to revoke the appointment.</p> <p>(3) The salary and expenses of the Lord Lieutenant shall be paid out of moneys provided by the Parliament of the United Kingdom, but there shall be deducted from the Transferred Sum in each year, towards the payment of the Lord Lieutenant's salary, a sum of <i>five thousand pounds</i>.</p>	<p>23. (1) Notwithstanding anything to the contrary in any Act, every subject of the Queen shall be qualified to hold the office of Lord Lieutenant of Ireland, without reference to his religious belief.</p> <p>(2) The term of office of the Lord Lieutenant shall be six years, without prejudice to the power of Her Majesty the Queen at any time to revoke the appointment.</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893.  
As introduced.

1886.

24. (1) Notwithstanding anything to the contrary in any Act, every subject of the Queen shall be qualified to hold the office of Lord Lieutenant of Ireland, without reference to his religious belief.

(2) The term of office of the Lord Lieutenant shall be *six years*, without prejudice to the power of Her Majesty the Queen at any time to revoke the appointment.

from time to time, make rules as to the cases and mode in which and the conditions under which, in pursuance of this section, questions may be referred and appeals brought to Her Majesty in Council, and as to the consideration thereof by the Judicial Committee of the Privy Council, and any rules so made shall be of the same force as if they were enacted in this Act ;

(h) An appeal shall not lie to the House of Lords in respect of any question in respect of which an appeal can be had to Her Majesty in Council in pursuance of this section.

26. (1) Notwithstanding anything to the contrary contained in any Act of Parliament, every subject of Her Majesty shall be eligible to hold and enjoy the office of Lord Lieutenant of Ireland, without reference to his religious belief.

(2) The salary of the Lord Lieutenant shall continue to be charged on the Consolidated Fund of the United Kingdom, and the expenses of his household and establishment shall continue to be defrayed out of moneys to be provided by Parliament.

(3) All existing powers vested by Act of Parliament or otherwise in the Chief Secretary for Ireland may, if no such officer is appointed, be exercised by the Lord Lieutenant until other provision is made by Act of the Irish Legislature.

(4) The Legislature of Ireland shall not pass any Act relating to the office or functions of the Lord Lieutenant of Ireland.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893,  
As amended.

## PROVISIONS AS TO EXISTING JUDGES AND IRISH OFFICERS.

### *Provisions as to Existing Judges and Other Persons.*

32. (1) All existing judges of the Supreme Court, and county court judges, and all existing Irish officers serving in an established capacity in the civil service of the Crown and receiving salaries charged on the Consolidated Fund of the United Kingdom, shall, if at the date of the passing of this Act they are removable only on address from both Houses of Parliament of the United Kingdom, continue to be removable only upon such an address, and if removable in any other manner shall continue to be removable only in the same manner as before that date; and shall continue to receive the same salaries, gratuities and pensions, and to be liable to perform the same duties as before that date or such duties as His Majesty may declare to be analogous, and their salaries and pensions shall be paid out of the Exchequer of the United Kingdom, and all sums so paid shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.

(2) *If any of the said judges or officers retire from office with His Majesty's approbation before completion of the period of service entitling him to a pension, His Majesty may, if he thinks fit, after considering any representation that may be made by the Irish Government, grant to him such pension, not exceeding the pension to which he would on that completion have been entitled, as His Majesty thinks proper.*

(3) Sub-section (1) of this section shall apply to existing Irish officers serving in an established capacity in the civil service of the Crown, who, although receiving salaries payable out of money provided by the Parliament of the United Kingdom and not charged on the Consolidated Fund, are removable only for misconduct or incapacity.

### *Continuation of Service of, and Compensation to, Existing Officers.*

33. (1) Subject to the provisions of this Act, all existing Irish officers in the civil service of the Crown who are not provided for under the last preceding section and are on the appointed day serving as Irish officers shall, after that day, continue to hold their offices by the same tenure and upon the same terms and conditions (including conditions as to remuneration and superannuation) as theretofore, and shall be

26. (1) All existing judges of the Supreme Court, county court judges, and Land Commissioners in Ireland, and all existing officers serving in Ireland in the permanent civil service of the Crown and receiving salaries charged on the Consolidated Fund of the United Kingdom, shall, if they are removable at present on address from both Houses of Parliament, continue to be removable only upon such address, and if removable in any other manner shall continue to be removable only in the same manner as heretofore; and shall continue to receive the same salaries, gratuities, and pensions, and to be liable to perform the same duties as heretofore, or such duties as Her Majesty may declare to be analogous, and their salaries and pensions shall be paid out of the Exchequer of the United Kingdom, and all sums so paid shall be repaid to that Exchequer from the Irish Exchequer: Provided that this section shall be subject to the provisions of this Act with respect to the Exchequer judges.

(2) *If any of the said judges, commissioners, or officers retires from office with the Queen's approbation before completion of the period of service entitling him to a pension, Her Majesty may, if she thinks fit, after considering any representation that may be made by the Irish Government, grant to him such pension, not exceeding the pension to which he would on that completion have been entitled, as to Her Majesty seems meet.*

(3) Sub-section one of this section shall apply to existing officers serving in Ireland in the permanent civil service of the Crown, who, although receiving salaries out of money provided by Parliament, are removable only for misconduct or incapacity.

27. (1) All existing officers in the permanent civil service of the Crown, who are not above provided for, and are at the appointed day serving in Ireland, shall after that day continue to hold their offices by the same tenure and to receive the same salaries, gratuities, and pensions according to the scale of the class to which they belong and to be liable to perform the same duties as heretofore or such duties as the Treasury in com-

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893.  
As introduced.

27. (1) All existing judges of the Supreme Court, county court judges, and Land Commissioners in Ireland and all existing officers serving in Ireland in the permanent civil service of the Crown and receiving salaries charged on the Consolidated Fund of the United Kingdom, shall, if they are removable at present on address from both Houses of Parliament, continue to be removable only upon such address, and if removable in any other manner shall continue to be removable only in the same manner as heretofore; and shall continue to receive the same salaries, gratuities, and pensions, and to be liable to perform the same duties as heretofore, or such duties as Her Majesty may declare to be analogous, and their salaries and pensions, if and so far as not paid out of the Irish Consolidated Fund, shall be paid out of the Exchequer of the United Kingdom: Provided that this section shall be subject to the provisions of this Act with respect to the Exchequer judges.

(2) *If any of the said judges, commissioners, or officers retires from office with the Queen's approbation before completion of the period of service entitling him to a pension, Her Majesty may, if she thinks fit, grant to him such pension, not exceeding the pension to which he would on that completion have been entitled, as to Her Majesty seems meet.*

28. (1) All existing officers in the permanent civil service of the Crown, who are not above provided for, and are at the appointed day serving in Ireland, shall after that day continue to hold their offices by the same tenure and to receive the same salaries, gratuities, and pensions, and to be liable to perform the same duties as heretofore or such duties as the Treasury may declare to be analogous; and the said gratuities and pen-

1886.

28. (1) All persons who at the passing of this Act are judges of the Supreme Court of Judicature or county court judges, or hold any other judicial position in Ireland, shall, if they are removable at present on address to Her Majesty of both Houses of Parliament, continue to be removable only upon such address from both Houses of the Imperial Parliament, and if removable in any other manner shall continue to be removable in like manner as heretofore; and such persons, and also all persons at the passing of this Act in the permanent civil service of the Crown in Ireland whose salaries are charged on the Consolidated Fund of the United Kingdom, shall continue to hold office and to be entitled to the same salaries, pensions, and superannuation allowances as heretofore, and to be liable to perform the same or analogous duties as heretofore; and the salaries of such persons shall be paid out of the moneys carried to the Customs and Excise Account under this Act, or if these moneys are insufficient, out of the Irish Consolidated Fund, and if the same are not so paid, shall continue charged on the Consolidated Fund of the United Kingdom.

(2) *If any of the said persons retires from office with the approbation of Her Majesty before he has completed the period of service entitling him to a pension, it shall be lawful for Her Majesty, if she thinks fit, to grant to that person such pension, not exceeding the pension to which he would have been entitled if he had completed the said period of service, as to Her Majesty seems meet.*

29. (1) All persons not above provided for and at the passing of this Act serving in Ireland in the permanent civil service of the Crown shall continue to hold their offices and receive the same salaries, and to be entitled to the same gratuities and superannuation allowances as heretofore, and shall be liable to perform the same duties as heretofore or duties of similar rank, but any of such persons shall be entitled at the expiration

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
<p>liable to perform the same duties as theretofore, or such duties as the Civil Service Committee established under this Act may declare to be analogous, and while performing the same or analogous duties shall receive not less remuneration than they would have received if this Act had not passed :</p> <p>Provided that notwithstanding the provision hereinbefore contained as to the tenure of existing Irish officers, any existing Irish officer who at the time of the <i>passing of this Act</i> is removable from his office by His Majesty, or by the Chief Secretary, or by any person other than the Lord Lieutenant, or in any special manner, may be removed from his office <i>after the passing of this Act</i> by the Lord Lieutenant.</p> <p>(2) The Superannuation Acts, 1834 to 1909, shall continue after the appointed day to apply to any such existing Irish officer to whom they then apply, and the service of any such officer under the Irish Government shall, for the purpose of those Acts, be deemed to be service in the permanent civil service of the Crown and in a public office within the meaning of the Superannuation Act, 1892 :</p> <p>Provided that so far as relates to the grant and ascertainment of the amount of any allowance or gratuity under those Acts as respects any such officer who at the time of his ultimate retirement is serving under the Irish Government, the Civil Service Committee shall be substituted for the Treasury.</p> <p>(3) The provisions as to compensation contained in the Third Schedule to this Act shall apply with respect to any such existing Irish officer.</p> <p>(4) <i>The superannuation and other allowances and gratuities which may become payable after the passing of this Act to existing Irish Officers in the civil service of the Crown under the Superannuation Acts, 1834 to 1909, and any compensation payable to any such officers under the provisions of this Act, shall be paid out of moneys provided by the Parliament of the United Kingdom, but any sums so paid shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.</i></p> <p>(5) The Pensions Commutation Acts, 1871 to 1882, shall apply to any person to whom an annual allowance is granted in pursuance of the provisions of this Act relating to existing officers as they apply to a person who has retired in consequence of the abolition of his office.</p>	<p>munication with the Irish Government may declare to be analogous ; and during the period of five years after the passing of this Act (in this section and the Fourth Schedule referred to as the transitional period), the said gratuities and pensions shall be awarded by the Treasury after communicating with the Irish Government, and the gratuities and pensions so awarded and the said salaries shall be paid to the payees by the Treasury out of the Exchequer of the United Kingdom.</p> <p>(2) Any such officer shall during the transitional period hold office unless he—</p> <p>(a) leaves the service on a medical certificate, or under the existing rules as to age, or is dismissed for misconduct or incapacity ; or</p> <p>(b) is removed upon an abolition of office or reorganisation of department which does not involve the appointment of any new officer ; or</p> <p>(c) resigns under this section ; or</p> <p>(d) is required by the Irish Government to retire.</p> <p>Provided that—</p> <p>(i) six months written notice of resignation under this section or of required retirement shall, unless it is otherwise agreed, be given either by the said officer or by the Irish Government as the case requires ; and</p> <p>(ii) before the end of the transitional period such number of officers only shall resign under this section, or be required to retire at one time and at such intervals of time as the Treasury, after communication with the Irish Government, sanction, so, however, that a notice to resign under this section given by an officer shall, unless withdrawn, operate at the end of the transitional period if he has not sooner left the service ; and</p> <p>(iii) an officer resigning under this section shall show that he is not incapacitated by mental or bodily infirmity for the performance of his duties, and that he will not be required under the existing rules as to age to retire before the end of the transitional period, and otherwise he shall not be entitled to any further gratuity or pension that he would have been entitled to if he had left the service on a medical certificate.</p> <p>(3) Upon any such removal, or resignation under this section, or required retirement, there may be awarded to the officer by the Treasury, after communication with the Irish Government, a gratuity or pension in accordance with the Fourth Schedule to this Act, and for that purpose his service shall be reckoned as if it had continued to the end of the transitional period, or to any earlier date at which under the existing rules as to age he will be required to retire.</p>



# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893, As introduced.	1886.
<p><i>sions, and until three years after the passing of this Act, the salaries due to any of the said officers, if remaining in his existing office, shall be paid to the payees by the Treasury out of the Exchequer of the United Kingdom.</i></p>	<p>of two years after the passing of this Act to retire from office, and at any time if required by the Irish Government shall retire from office, and on any such retirement shall be entitled to receive such payment as the Treasury may award to him in accordance with the provisions contained in the Fourth Schedule to this Act.</p>
<p>(2) Any such officer may after three years from the passing of this Act retire from office, and shall, at any time during those three years, if required by the Irish Government, retire from office, and on any such retirement may be awarded by the Treasury a gratuity or pension in accordance with the Fifth Schedule to this Act ;</p>	<p>(2) The amount of such payment shall be paid to him out of the moneys carried to the Customs and Excise Account under this Act, or, if those moneys are insufficient, out of the Irish Consolidated Fund, <i>and so far as the same are not so paid shall be paid out of moneys provided by Parliament.</i></p> <p>(3) The Pensions Commutation Act, 1871, shall apply to all persons who, having retired from office, are entitled to any annual payment under this section, in like manner as if they had retired in consequence of the abolition of their offices.</p> <p>(4) This section shall not apply to persons who are retained in the service of the Imperial Government.</p>
<p>Provided that—</p> <p>(a) six months' written notice shall, unless it is otherwise agreed, be given either by the said officer or by the Irish Government as the case requires ; and</p> <p>(b) such number of officers only shall retire at one time and at such intervals of time as the Treasury, in communication with the Irish Government, sanction.</p> <p>(3) If any such officer does not so retire, the Treasury may award him after the said three years a pension in accordance with the Fifth Schedule to this Act which shall become payable to him on his ultimate retirement from the service of the Crown.</p>	

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893,  
As amended.

(4) If any such officer is serving in a capacity which qualifies him for a pension under the Superannuation Act, 1859, and continues to hold office after the end of the transitional period the Treasury may, within three months after the end of that period, award him a pension in accordance with the Fourth Schedule to this Act which shall become payable to him on his ultimate retirement from the service of the Crown.

(5) The gratuities and pensions awarded in pursuance of this section shall be paid by the Treasury to the payees out of the Exchequer of the United Kingdom.

(6) All sums paid out of the Exchequer of the United Kingdom in pursuance of this section shall be repaid to that Exchequer from the Irish Exchequer.

(7) This section shall apply to the clerical staff of the Royal Irish Constabulary and Dublin Metropolitan Police, with the substitution of the period ending with the cesser of the existence of each force for the transitional period, and of the Treasury for the Irish Government except as regards the Treasury communicating with the Irish Government, but save as aforesaid this section shall not apply to officers retained in the service of the United Kingdom.

(8) Where an officer, though not in the permanent civil service, is in the public service of the Crown, then—

(a) if he devotes his whole time to the duties of his office, this section shall apply to him in like manner as if he were in the permanent civil service; and

(b) if he does not so devote his whole time, and is removed from his office for any cause other than incapacity or misconduct, he may apply to the Treasury, who may award him compensation for loss of office in accordance with the Fourth Schedule to this Act.

(9) This section shall apply to petty sessions clerks and to officers in the registry of petty sessions clerks in like manner as to officers in the public service of the Crown, with the exceptions, that any payment in pursuance of this section to any such clerk or officer shall be made out of the fund out of which the pension of such clerk or officer is payable instead of out of the Exchequer of the United Kingdom, and that in considering the amount of gratuity or pension regard shall be had to the amount of the fund:

Provided that—

(a) If, by reason of anything done after the appointed day, the fund becomes insufficient to meet the full amount of the said gratuities and pensions, the deficiency shall be charged on and paid out of the Irish Consolidated Fund, but such charge shall be repaid if and when the state of the fund allows to the Irish Consolidated Fund; and

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893.  
As introduced.

1886.

(4) *The gratuities and pensions awarded in accordance with the Fifth Schedule to this Act shall be paid by the Treasury to the payees out of the Exchequer of the United Kingdom.*

(5) All sums paid out of the Exchequer of the United Kingdom in pursuance of this section shall be repaid to that Exchequer from the Irish Exchequer.

(6) This section shall not apply to officers retained in the service of the Government of the United Kingdom.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
<p><i>Establishment of Civil Service Committee.</i></p> <p>34. (1) For the purpose of the provisions of this Act with respect to existing officers there shall be established a committee to be called the Civil Service Committee.</p> <p>(2) The committee shall consist of three members, of whom one shall be appointed by the Treasury, one by the Executive Committee, and one (who shall be chairman) by the Lord Chief Justice of England.</p> <p>(3) Any vacancy arising in the committee owing to the death, resignation, or incapacity of a member of the committee shall be filled by the authority by whom the member whose place is vacant was appointed.</p> <p>(4) The determination of the Civil Service Committee on any claim or question which is to be determined by them under the provisions of this Act relating to existing officers shall be final and conclusive.</p>	<p>(b) The existing accumulated fund shall not be applied for any new purpose until every such gratuity and pension is satisfied.</p> <p>(10) For the purpose of determining finally the facts on all questions which may arise during the transitional period as to the rights of the officers or any of them under this section there shall be appointed a committee, consisting of A. B., the chairman, and C. D., and one other person to be nominated after the appointed day by the Executive Committee of the Irish Privy Council. Any vacancy which may arise among the persons named in this section may be filled by Her Majesty under Her Royal Sign Manual, and any vacancy which may arise from the death or resignation of the person nominated by the Executive Committee may be filled by that Committee.</p>
<p><i>Provisions as to Existing Pensions and Superannuation Allowances.</i></p> <p>35. Any pension granted on account of service in Ireland as a judge of the Supreme Court or of any court consolidated into that court, or as a county court judge, or as an Irish officer in an established capacity in the civil service of the Crown, or to any officer or constable of the Dublin Metropolitan Police or Royal Irish Constabulary, and payable at the time of the passing of this Act, or in the case of an officer or constable of the Royal Irish Constabulary at the date of transfer, shall be paid out of moneys provided by the Parliament of the United Kingdom, and shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.</p>	<p>28. Any existing pension granted on account of service in Ireland as a judge of the Supreme Court or of any court consolidated into that court, or as a county court judge, or in any other judicial position, or as an officer in the permanent civil service of the Crown other than in an office the holder of which is after the appointed day retained in the service of the Government of the United Kingdom, shall be paid out of the Exchequer of the United Kingdom, and shall be repaid to that Exchequer from the Irish Exchequer.</p>
<p><i>Definition of Irish Officer, and Provision as to Officers in whose Case Questions may Arise, &amp;c.</i></p> <p>36. (1) For the purpose of the provisions of this Act relating to existing officers, any officer shall be deemed to be an Irish officer who is serving or employed in Irish services within the meaning of this Act.</p> <p>(2) If any question arises whether an officer is an Irish officer as so defined, or otherwise as to any claim or right of an officer under the provisions of this Act relating to existing officers, that question</p>	

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893.  
As introduced.

1886.

29. Any existing pension granted on account of service in Ireland as a judge of the Supreme Court or of any court consolidated into that court, or as a county court judge, or in any other judicial position, or as an officer in the permanent civil service of the Crown other than in an office the holder of which is after the appointed day retained in the service of the Government of the United Kingdom, shall be charged on the Irish Consolidated Fund, and if and so far as not paid out of that fund, shall be paid out of the Exchequer of the United Kingdom.

30. Where before the passing of this Act any pension or superannuation allowance has been granted to any person on account of service as a judge of the Supreme Court of Judicature of Ireland or of any court consolidated into that court, or as a county court judge, or in any other judicial position, or on account of service in the permanent civil service of the Crown in Ireland otherwise than in some office the holder of which is, after the passing of this Act, retained in the service of the Imperial Government, such pension or allowance, whether payable out of the Consolidated Fund or out of moneys provided by Parliament, shall continue to be paid to such person, and shall be so paid out of the moneys carried to the Customs and Excise Account under this Act, or, if such moneys are insufficient, out of the Irish Consolidated Fund, and so far as the same is not so paid, shall be paid as heretofore out of the Consolidated Fund of the United Kingdom or moneys provided by Parliament.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
shall be determined by the Civil Service Committee.	
(3) If in any case the Civil Service Committee are of opinion that the service or employment of an officer is such that he is partly an Irish officer and partly not, that committee shall determine any question which arises as respects the proportions in which any allowance, gratuity, or compensation payable to that officer is to be paid as between the Exchequer or Consolidated Fund of Ireland and of the United Kingdom respectively.	
PROVISIONS AS TO MEMBERS OF POLICE.	
<i>Continuation of Service of, and Compensation to members of Police Force.</i>	
37. (1) All officers and constables of the Dublin Metropolitan Police and of the Royal Irish Constabulary who are serving on the day of transfer shall after that day continue to serve on the same terms and conditions as theretofore, and shall be liable to perform the same duties as theretofore, and while performing those duties shall not receive less pay than they would have received if this Act had not passed.	37 (part of). (2) The said two forces shall, while they continue, be subject to the control of the Lord Lieutenant as representing Her Majesty, and the members thereof shall continue to receive the same salaries, gratuities, and pensions, and hold their appointments on the same tenure as heretofore, and those salaries, gratuities, and pensions, and all the expenditure incidental to either force, shall be paid out of the Exchequer of the United Kingdom.
(2) Any existing enactments relating to the pay or pensions of officers and constables of the Dublin Metropolitan Police and Royal Irish Constabulary shall continue to apply after the transfer to any officer and constable serving on the day of transfer with the substitution of the Lord Lieutenant for the Treasury and for the Chief Commissioner or Inspector-General as the case requires.	(3) When any existing member of either force retires under the provisions of the Fifth Schedule to this Act, the Treasury may award to him a gratuity or pension in accordance with that schedule.
(3) The provisions as to compensation contained in the Fourth Schedule to this Act shall apply with respect to the officers and constables of the Dublin Metropolitan Police and of the Royal Irish Constabulary who are serving on the day of transfer.	(4) Those gratuities and pensions, and all existing pensions payable in respect of service in either force, shall be paid by the Treasury to the payees out of the Exchequer of the United Kingdom.
(4) <i>Any pensions and other allowances and gratuities which may become payable to officers and constables of the Dublin Metropolitan Police after the passing of this Act or to officers and constables of the Royal Irish Constabulary after the date of transfer (being in either case officers and constables who are serving on the day of transfer) under the existing enactments applicable to them, and any compensation payable to any of those persons under the provisions of this Act, shall be paid out of moneys provided by the Parliament of the United Kingdom; but any sums so paid shall be made good by means of deductions from the Transferred Sum under this Act in accordance with regulations made by the Treasury.</i>	(5) Two-thirds of the net amount payable in pursuance of this section out of the Exchequer of the United Kingdom shall be repaid to that Exchequer from the Irish Exchequer.
(5) The Pensions Commutation Acts, 1871 to 1882, shall apply to any member of the Dublin Metropolitan Police or Royal	

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893, As introduced.	1886.
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37 (part of). (2) The said two forces shall, while they continue, be subject to the control of the Lord Lieutenant as representing Her Majesty, and the members thereof shall continue to receive the same salaries, gratuities, and pensions, and hold their appointments on the same tenure as heretofore, *and those salaries, gratuities, and pensions, and all the expenditure incidental to either force, shall be paid out of the Exchequer of the United Kingdom.*

(3) When any existing member of either force retires under the provisions of the Sixth Schedule to this Act, the Treasury may award to him a gratuity or pension in accordance with that schedule.

(4) *Those gratuities and pensions and all existing pensions payable in respect of service in either force, shall be paid by the Treasury to the payees out of the Exchequer of the United Kingdom.*

(5) *Two-thirds of the net amount payable in pursuance of this section out of the Exchequer of the United Kingdom shall be repaid to that Exchequer from the Irish Exchequer.*

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
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Irish Constabulary to whom an allowance is granted in pursuance of the provisions of this section in like manner as if he had retired from the permanent Civil Service of the Crown on the abolition of his office, and any terminable annuity payable in respect of the commutation of an allowance shall be payable out of the same funds as the allowance.

(6) In this section and in the Fourth Schedule to this Act the expression "day of transfer" in relation to the Dublin Metropolitan Police means the appointed day, and in relation to the Royal Irish Constabulary means the day on which the control and management of that force are transferred to the Irish Government.

## GENERAL.

### *Continuation of Existing Laws, Institutions, &c.*

38. All existing laws, institutions, and authorities in Ireland, whether judicial, administrative, or ministerial, and all existing taxes in Ireland, shall, except as otherwise provided by this Act, continue as if this Act had not passed, but with the modifications necessary for adapting them to this Act, and subject, as respects matters within the powers of the Irish Parliament under this Act, to repeal, abolition, alteration, and adaptation in the manner and to the extent authorised by this Act.

36. Except as otherwise provided by this Act, all existing laws, institutions, authorities, and officers in Ireland, whether judicial, administrative, or ministerial, and all existing taxes in Ireland shall continue as if this Act had not passed, but with the modifications necessary for adapting the same to this Act, and subject to be repealed, abolished, altered, and adapted in the manner and to the extent authorised by this Act.

### *Use of Crown Lands by Irish Government.*

39. His Majesty the King in Council may place under the control of the Irish Government, for the purposes of that government, such of the lands, buildings, and property in Ireland vested in or held in trust for His Majesty, and subject to such conditions or restrictions (if any) as may seem expedient.

24. Her Majesty the Queen in Council may place under the control of the Irish Government, for the purposes of that government, such of the lands and buildings in Ireland vested in or held in trust for Her Majesty, and subject to such conditions or restrictions (if any), as may seem expedient.



# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893,  
As introduced.

1884.

37. Except as otherwise provided by this Act, all existing laws, institutions, authorities, and officers in Ireland, whether judicial, administrative, or ministerial, and all existing taxes in Ireland shall continue as if this Act had not passed, but with the modifications necessary for adapting the same to this Act, and subject to be repealed, abolished, altered, and adapted in the manner and to the extent authorised by this Act.

25. Her Majesty the Queen in Council may place under the control of the Irish Government, for the purposes of that government, such of the lands and buildings in Ireland vested in or held in trust for Her Majesty, and subject to such conditions or restrictions (if any) as may seem expedient.

38. (1) Except as otherwise provided by this Act, all existing laws in force in Ireland, and all existing courts of civil and criminal jurisdiction, and all existing legal commissions, powers, and authorities, and all existing officers, judicial, administrative, and ministerial, and all existing taxes, licence, and other duties, fees and other receipts in Ireland shall continue as if this Act had not been passed; subject, nevertheless, to be repealed, abolished, or altered in manner and to the extent provided by this Act; provided that, subject to the provisions of this Act, such taxes, duties, fees, and other receipts shall, after the appointed day, form part of the public revenues of Ireland.

(2) The Commissioners of Inland Revenue and the Commissioners of Customs, and the officers of such Commissioners respectively, shall have the same powers in relation to any articles subject to any duty of Excise or Customs, manufactured, imported, kept for sale, or sold, and any premises where the same may be, and to any machinery, apparatus, vessels, utensils, or conveyance used in connection therewith or the removal thereof, and in relation to the person manufacturing, importing, keeping for sale, selling, or having the custody or possession of the same as they would have had if this Act had not been passed.

8. Her Majesty may, by Order in Council, from time to time place under the control of the Irish Government, for the purposes of that Government, any such lands and buildings in Ireland as may be vested in or held in trust for Her Majesty.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893. As amended.
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## *Arrangements between Departments of United Kingdom and Irish Departments for Exercise of Powers and Duties.*

40. Arrangements may be made by any department of the Government of the United Kingdom for the exercise and performance on behalf of that department of any powers or duties of that department by officers of an Irish department, or by any Irish department for the exercise and performance on behalf of that department of any powers or duties of that department by officers of a department of the Government of the United Kingdom on such terms and conditions as may be agreed :

Provided that no such arrangements shall diminish in any respect the responsibility of the department by which the arrangement is made.

### *Concurrent Legislation.*

41. (1) The Irish Parliament shall not have power to repeal or alter any provision of this Act (except as is specially provided by this Act), or of any Act passed by the Parliament of the United Kingdom after the passing of this Act and extending to Ireland, although that provision deals with a matter with respect to which the Irish Parliament have powers to make laws.

(2) Where any Act of the Irish Parliament deals with any matter with respect to which the Irish Parliament have power to make laws which is dealt with by any Act of the Parliament of the United Kingdom passed after the passing of this Act and extending to Ireland, the Act of the Irish Parliament shall be read subject to the Act of the Parliament of the United Kingdom, and so far as it is repugnant to that Act, but no further, shall be void :

Provided that nothing in this section shall affect the power of the Irish Parliament to vary an Imperial tax in accordance with this Act, or any variation so made.

32. (1) The Irish Legislature may repeal or alter any provision of this Act which is by this Act expressly made alterable by that Legislature, and also any enactments in force in Ireland, except such as either relate to matters beyond the powers of the Irish Legislature, or being enacted by Parliament after the passing of this Act may be expressly extended to Ireland. An Irish Act, notwithstanding it is in any respect repugnant to any enactment excepted as aforesaid, shall, though read subject to that enactment, be, except to the extent of that repugnancy, valid.

THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS  
BILLS.

1893,  
As introduced.

1886.

33. (1) The Irish Legislature may repeal or alter any provision of this Act which is by this Act expressly made alterable by that Legislature, and also any enactments in force in Ireland, except such as either relate to matters beyond the powers of the Irish Legislature, or being enacted by Parliament after the passing of this Act may be expressly extended to Ireland. An Irish Act, notwithstanding it is in any respect repugnant to any enactment excepted as aforesaid, shall, though read subject to that enactment, be, except to the extent of that repugnancy, valid.

37. Save as herein expressly provided all matters in relation to which it is not competent for the Irish Legislative Body to make or repeal laws shall remain and be within the exclusive authority of the Imperial Parliament save as aforesaid, whose power and authority in relation thereto shall in nowise be diminished or restrained by anything herein contained.

39. (1) On and after the appointed day this Act shall not, except such provisions thereof as are declared to be alterable by the Legislature of Ireland, be altered except—

(a) by Act of the Imperial Parliament and with the consent of the Irish Legislative Body testified by an address to Her Majesty, or

(b) by an Act of the Imperial Parliament for the passing of which there shall be summoned to the House of Lords the peerage members of the first order of the Irish Legislative Body, and if there are no such members, then twenty-eight Irish representative peers elected by the Irish peers in manner heretofore in use, subject to adaptation as provided by this Act: and there shall be summoned to the House of Commons such one of the members of each constituency, or in the case of a constituency returning four members, such two of those members, as the Legislative Body of Ireland may select, and such peers and members shall respectively be deemed, for the purpose of passing any such Act, to be members of the said Houses of Parliament respectively.

(2) For the purposes of this section it shall be lawful for Her Majesty by Order in Council to make such provisions for summoning the said peers of Ireland to the House of Lords and the said members from Ireland to the House of Commons as to Her Majesty may

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
<p>(3) Any order, rule, or regulation made in pursuance of, or having the force of, an Act of Parliament of the United Kingdom shall be deemed to be a provision of an Act within the meaning of this section.</p>	<p>(2) An order, rule, or regulation, made in pursuance of, or having the force of, an Act of Parliament, shall be deemed to be an enactment within the meaning of this section.</p> <p>(3) Nothing in this Act shall affect Bills relating to the divorce or marriage of individuals, and any such Bill shall be introduced and proceed in Parliament in like manner as if this Act had not passed.</p> <p>35. (1) Subject to the provisions of this Act Her Majesty the Queen in Council may make or direct such arrangements as seem necessary or proper for setting in motion the Irish Legislature and Government and for otherwise bringing this Act into operation.</p>
<p>TRANSITORY.</p> <p><i>First Meeting of Irish Parliament and First Election of Reduced Number of Irish Members.</i></p>	
<p>42. (1) The Irish Parliament shall be summoned to meet on the <i>first Tuesday in September Nineteen hundred and thirteen</i>, and the first election of members of the Irish House of Commons shall be held at such time before that day as may be fixed by His Majesty by Order in Council made for the purpose of the transitory provisions of this Act.</p>	<p>(2) The Irish Legislature shall be summoned to meet on the first Tuesday in September, One thousand eight hundred and ninety-four, and the first election of members of the two Houses of the Irish Legislature shall be held at such time before that day, as may be fixed by Her Majesty in Council.</p>
<p>(2) Upon the first meeting of the Irish Parliament, the members returned by constituencies in Ireland to serve in the Parliament of the United Kingdom and then sitting in that Parliament shall vacate their seats and writs shall, as soon as conveniently may be, be issued by the Lord Chancellor of Ireland for the purpose of holding an election of members to serve in the Parliament of the United Kingdom for the constituencies mentioned in the Second Part of the First Schedule to this Act.</p>	<p>(3) Upon the first meeting of the Irish Legislature the members of the House of Commons then sitting for Irish constituencies, including the members for Dublin University, shall vacate their seats, and writs shall, as soon as conveniently may be, be issued by the Lord Chancellor of Ireland for the purpose of holding an election of members to serve in Parliament for the constituencies named in the Second Schedule of this Act.</p>
<p>(3) Subject to the provisions of this Act, all existing election laws relating to the Commons House of Parliament of the United Kingdom and the members thereof shall, so far as applicable, extend to the Irish House of Commons and the members thereof; but those election laws may, except as provided by this Act, be altered by Irish Act.</p>	
<p>His Majesty may by Order in Council make such provisions as may appear to him necessary or proper for making any provisions of the election laws applicable to elections of members of the Irish House of Commons.</p>	

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1893.  
As introduced.

1886.

(2) An order, rule, or regulation, made in pursuance of, or having the force of, an Act of Parliament, shall be deemed to be an enactment within the meaning of this section.

(3) Nothing in this Act shall affect Bills relating to the divorce or marriage of individuals, and any such Bill shall be introduced and proceed in Parliament in like manner as if this Act had not passed.

36. (1) Subject to the provisions of this Act Her Majesty the Queen in Council may make or direct such arrangements as seem necessary or proper for setting in motion the Irish Legislature and Government and for otherwise bringing this Act into operation.

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(2) The Irish Legislature shall be summoned to meet on the *first Tuesday in September, One thousand eight hundred and ninety-four*, and the first election of members of the two Houses of the Irish Legislature shall be held at such time before that day, as may be fixed by Her Majesty in Council.

(3) Upon the first meeting of the Irish Legislature the members of the House of Commons then sitting for Irish constituencies, including the members for Dublin University, shall vacate their seats, and writs shall, as soon as conveniently may be, be issued by the Lord Chancellor of Ireland for the purpose of holding an election of members to serve in Parliament for the constituencies named in the Second Schedule of this Act.

seem necessary or proper, and any provisions contained in such order in Council shall have the same effect as if they had been enacted by Parliament.

31. The provisions contained in the Fifth Schedule to this Act relating to the mode in which arrangements are to be made for setting in motion the Irish Legislative Body and Government and for the transfer to the Irish Government of the powers and duties to be transferred to them under this Act, or for otherwise bringing this Act into operation, shall be of the same effect as if they were enacted in the body of this Act.

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BILLS.

1912.

(4) The Lord Lieutenant shall determine by lot which of the first senators are to retire in the second, fourth, and sixth year, and the term of office of those senators shall be reduced accordingly.

1893,  
As amended.

(4) The existing Chief Baron of the Exchequer, and the senior of the existing puisne judges of the Exchequer Division of the Supreme Court, or if they or either of them are or is dead or unable or unwilling to act, such other of the judges of the Supreme Court as Her Majesty may appoint, shall be the first Exchequer judges.

(5) Where it appears to Her Majesty the Queen in Council, before the expiration of one year after the appointed day, that any existing enactment respecting matters within the powers of the Irish Legislature requires adaptation to Ireland, whether—

(a) by the substitution of the Lord Lieutenant in Council, or of any department or officer of the executive Government in Ireland, for Her Majesty in Council, a Secretary of State, the Treasury, or other public department or officer in Great Britain ; or

(b) by the substitution of the Irish Consolidated Fund or moneys provided by the Irish Legislature for the Consolidated Fund of the United Kingdom, or moneys provided by Parliament ; or

(c) by the substitution of confirmation by, or other act to be done by or to, the Irish Legislature for confirmation by or other act to be done by or to Parliament ; or

(d) by any other adaptation ;  
Her Majesty, by Order in Council, may make that adaptation.

(6) Her Majesty the Queen in Council may provide for the transfer of such property, rights, and liabilities, and the doing of such other things as may appear to Her Majesty necessary or proper for carrying into effect this Act or any Order in Council under this Act.

(7) An Order in Council under this section may make an adaptation or provide for a transfer either unconditionally or subject to such exceptions, conditions, and restrictions as may seem expedient.

(8) The draft of every Order in Council under this section shall be laid before both Houses of Parliament for not less than two months before it is made, and such Order when made shall, subject as respects Ireland to the provisions of an Irish Act, have full effect, but shall not interfere with the continued application to any place, authority, person, or thing, not in Ireland, of the enactment to which the Order relates.

# THE HOME RULE BILL, 1912. COMPARED WITH THE PREVIOUS BILLS.

1893.  
As introduced.

1886.

(4) The existing Chief Baron of the Exchequer, and the senior of the existing puisne judges of the Exchequer Division of the Supreme Court, or if they or either of them are or is dead or unable or unwilling to act, such other of the judges of the Supreme Court as Her Majesty may appoint, shall be the first Exchequer judges.

(5) Where it appears to Her Majesty the Queen in Council, before the expiration of *one year* after the appointed day, that any existing enactment respecting matters within the powers of the Irish Legislature requires adaptation to Ireland, whether—

(a) by the substitution of the Lord Lieutenant in Council, or of any department or officer of the executive Government in Ireland, for Her Majesty in Council, a Secretary of State, the Treasury, the Postmaster-General, the Board of Inland Revenue, or other public department or officer in Great Britain; or

(b) by the substitution of the Irish Consolidated Fund or moneys provided by the Irish Legislature for the Consolidated Fund of the United Kingdom, or moneys provided by Parliament; or

(c) by the substitution or confirmation by, or other act to be done by or to, the Irish Legislature for confirmation by or other act to be done by or to Parliament; or

(d) by any other adaptation;  
Her Majesty, by Order in Council, may make that adaptation.

(6) Her Majesty the Queen in Council may provide for the transfer of such property, rights, and liabilities, and the doing of such other things as may appear to Her Majesty necessary or proper for carrying into effect this Act or any Order in Council under this Act.

(7) An Order in Council under this section may make an adaptation or provide for a transfer either unconditionally or subject to such exceptions, conditions, and restrictions as may seem expedient.

(8) The draft of every Order in Council under this section shall be laid before both Houses of Parliament for not less than two months before it is made, and such Order when made shall, subject as respects Ireland to the provisions of an Irish Act, have full effect, but shall not interfere with the continued application to any place, authority, person, or thing, not in Ireland, of the enactment to which the Order relates

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893,  
As amended.

## *Temporary Provision as to Payments into and out of the Irish Exchequer.*

43. (1) *Pending the determination of the Transferred Sum by the Joint Exchequer Board, the Treasury may make such payments on account of that sum into the Irish Exchequer as the Joint Exchequer Board may direct.*

(2) The Joint Exchequer Board may authorise the Lord Lieutenant to make such payments from the Irish Exchequer as may be necessary in order to provide for bringing this Act into operation, but no such authority shall be given after the expiration of a period of three months from the first meeting of the Irish Parliament.

## *Power to Make Adaptations, &c., by Order in Council.*

44. (1) His Majesty may make Orders in Council for the purpose of the transitory provisions of this Act, and may, by any such Order, make or direct to be made such arrangements as seem necessary or proper for setting in motion the Irish Parliament and Government, and also for any other matter for which it seems to His Majesty necessary or proper to make provision for the purpose of bringing this Act into full operation or for giving full effect to the future transfer under or by virtue of this Act of a reserved service; and in particular His Majesty may by any such Order in Council—

(a) make such adaptations of any enactments so far as they relate to Ireland as may appear to him necessary or proper in order to give effect to the provisions of this Act, and also make any adaptations of any enactments so far as they relate to England or Scotland, as may appear to him necessary or proper as a consequence of any change effected by the provisions of this Act; and

(b) make such adaptation of any enactments as appear to him necessary or proper with respect to the execution of the reserved services, and in particular provide for the exercise or performance of any powers or duties in connection with those services by any department of the Government of the United Kingdom or officer of that Government where any such powers or duties are, under any existing Act, to be exercised or performed by any department in Ireland which will cease to exist as a department of the Government of the United Kingdom; and

(c) make regulations with respect to the relations of the Irish and British Post Offices, and in particular may provide for an apportionment of the capital



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(See Fourth Schedule, p. 231.)

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liabilities of the Post Office between the Irish Exchequer and the Exchequer of the United Kingdom; and for apportioning any receipts and expenses in respect of foreign mails or other foreign postal services (including telegrams and telephones), between the two Post Offices, and for facilities being given in respect of postal services generally by the one Post Office to the other, especially in relation to submarine telegraphs or telegraphic communication} with any place out of the United Kingdom; and

- (d) on any transfer under this Act of the public services in connection with the administration of the Old Age Pensions Acts, 1908 and 1911, make provision for securing the payment of an old age pension to any person who is entitled to the payment of such a pension at the time of the transfer, while he continues so entitled; and
- (e) On the transfer under this Act of public services in connection with Post Office Savings Banks, or Trustee Savings Banks, make provisions for giving a depositor in any transferred Post Office Savings Bank the right to repayment of any sums due to him in respect of his deposits at the time of the transfer, and for giving the trustees of any Trustee Savings Bank in Ireland the right to close their bank and to require repayment of all sums due to them from the National Debt Commissioners, and for securing to the holder of any annuity or policy of insurance granted before the date of the transfer by a Post Office or Trustee Savings Bank the payment of the annuity or of any sums due under the policy; and
- (f) Make provision with respect to the transfer and apportionment of any property, rights, and liabilities in connection with Irish services; and
- (g) Provide, in cases where the same Act deals with reserved matters and with other matters, for specifying the matters dealt with by the Act which are to be treated in accordance with this Act as reserved matters.

*Orders in Council to be laid before  
Parliament.*

45. (1) Any Order in Council made for the purpose of the transitory provisions of this Act shall be laid before both Houses of the Parliament of the United Kingdom within forty days next after it is made if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session; and if an address is presented to His Majesty by

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<p>either of these Houses within the next subsequent forty days praying that any such Order may be annulled, His Majesty may thereupon by Order in Council annul the same, and the Order so annulled shall forthwith become void, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the Order.</p> <p>(2) Any Order in Council made for the purpose of the transitory provisions of this Act shall, subject to the foregoing provisions of this section, have effect as if enacted in this Act.</p> <p style="text-align: center;"><i>Appointed Day.</i></p> <p>46. The appointed day for the purposes of this Act shall be the day for the first meeting of the Irish Parliament, or such other day not more than <i>six</i> months earlier or later, as may be fixed by Order of His Majesty in Council either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act.</p>	<p>37. Subject as in this Act mentioned the appointed day for the purposes of this Act shall be the day of the first meeting of the Irish legislature, or such other day <b>not</b> more than seven months earlier or later <b>as</b> may be fixed by order of Her Majesty in Council either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections.</p> <p>38. From and after the appointed day the powers conferred in the sixteenth section of the Act passed by the Irish Parliament in the session held in the twenty-first and twenty-second years of the reign of George the Third, intituled "An Act for the better securing the liberty of the subject," shall not be exercised, and the said section shall be and is hereby repealed as and from the said appointed day.</p>
<p style="text-align: center;">SUPPLEMENTAL.</p> <p style="text-align: center;"><i>Definitions.</i></p> <p>47. In this Act, unless the context otherwise requires—</p> <p>The expression "existing" means existing at the passing of this Act. The expression "constituency" means a parliamentary constituency, or a county, borough, or university returning a member or members to serve in the Irish House of Commons as the case requires, and the expression "parliamentary constituency" means any county, borough, or university returning</p>	<p>39. In this Act, unless the context otherwise requires—</p> <p>The expression "existing" means existing at the passing of this Act. The expression "constituency" means a parliamentary constituency or a county or borough returning a member or members to serve in either House of the Irish Legislature, as the case requires, and the expression "parliamentary constituency" means any county, borough, or university returning a member or members to serve in Parliament.</p>

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1893, As introduced.	1886.

38. Subject as in this Act mentioned the appointed day for the purposes of this Act shall be the day of the first meeting of the Irish Legislature, or such other day not more than *seven* months earlier or later as may be fixed by order of Her Majesty in Council either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections.

40. In this Act—  
The expression "the appointed day" shall mean such day after the *thirty-first day of March in the year one thousand eight hundred and eighty-seven* as may be determined by order of Her Majesty in Council.

39. In this Act unless the context otherwise requires—

The expression "Lord Lieutenant" includes the lords justices or any other chief governor or governors of Ireland for the time being.

The expression "Her Majesty the Queen," or "Her Majesty," or "the Queen," includes the heirs and successors of Her Majesty the Queen.

The expression "Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "Treaty" includes any convention or arrangement.

The expression "existing" means existing at the passing of this Act.

The expression "existing constituency" means any county or borough, or a division of a county or borough, or a University, returning at the passing of this Act a member or members to serve in Parliament.

The expression "existing" means existing at the passing of this Act.

The expression "constituency" means a parliamentary constituency or a county or borough returning a member or members to serve in either House of the Irish Legislature, as the case requires, and the expression "parliamentary constituency" means any county, borough, or university returning a member or members to serve in Parliament.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
<p>a member or members to serve in the Parliament of the United Kingdom.</p> <p>The expression "parliamentary elector" means a person entitled to be registered as a voter at a parliamentary election.</p> <p>The expression "parliamentary election" means the election of a member to serve in the Parliament of the United Kingdom.</p> <p>The expression "election laws" means the laws relating to the election of members to serve in the Parliament of the United Kingdom, other than those relating to the qualification of electors, and includes all the laws respecting the registration of electors, the issue and execution of writs, the creation of polling districts, the taking of the poll, the questioning of elections, corrupt and illegal practices, the oath, qualification and disqualification of members, and the vacating of seats.</p> <p>The expression "tax" includes duties (other than duties of postage), and fees (other than fees which are charged in respect of any special Irish service, and the receipts from which are, in the opinion of the Joint Exchequer Board, of a character to be properly treated as appropriations in aid).</p> <p>The expression "Irish Act" means a law made by the Irish Parliament.</p>	<p>The expression "parliamentary elector" means a person entitled to be registered as a voter at a parliamentary election.</p> <p>The expression "parliamentary election" means the election of a member to serve in Parliament.</p> <p>The expression "election laws" means the laws relating to the election of members to serve in Parliament, other than those relating to the qualification of electors, and includes all the laws respecting the registration of electors, the issue and execution of writs, the creation of polling districts, the taking of the poll, the questioning of elections, corrupt and illegal practices, the oath, qualification, and disqualification of members and the vacating of seats.</p> <p>The expression "tax" includes duties and fees, but does not include duties on postage.</p> <p>The expression "duties of excise" does not include licence duties.</p> <p>The expression "stamps" does not include stamps for collection of fees, or of other sums payable for services rendered.</p> <p>The expression "existing taxes in Ireland" means the duties of Customs, Excise, and Income Tax, and the duties raised by existing stamps and licences in Ireland, whether the amount of such duties is or is not varied.</p> <p>The expression "duties on postage" includes all rates and sums chargeable for or in respect of postal packets, money orders, or telegrams, or otherwise under the Post Office Acts or the Telegraph Act, 1892, or under the Acts relating to Savings Banks.</p> <p>Expressions referring to the Post Office, and to the revenue and expenditure of the Irish Post Office, shall include a reference to telegraphs, savings banks, and all business transacted under the authority or control of the Postmaster-General.</p> <p>The expression "Irish Act" means a law made by the Irish Legislature.</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893.  
As introduced.

1886.

The expression "parliamentary elector" means a person entitled to be registered as a voter at a parliamentary election.

The expression "parliamentary election" means the election of a member to serve in Parliament.

The expression "election laws" means the laws relating to the election of members to serve in Parliament, other than those relating to the qualification of electors, and includes all the laws respecting the registration of electors, the issue and execution of writs, the creation of polling districts, the taking of the poll, the questioning of elections, corrupt and illegal practices, the disqualification of members and the vacating of seats.

The expression "tax" includes duties and fees, and the expression "duties of excise" does not include licence duties.

The expression "duties of excise" does not include a duty received in respect of any licence whether for the sale of intoxicating liquors or otherwise.

The expression "foreign mails" means all postal packets, whether letters, parcels, or other packets, posted in the United Kingdom and sent to a place out of the United Kingdom, or posted in a place out of the United Kingdom and sent to a place in the United Kingdom, or in transit through the United Kingdom to a place out of the United Kingdom.

The expression "telegraphic line" has the same meaning as in the Telegraph Acts, 1863 to 1892.

The expression "duties on postage" includes all rates and sums chargeable for or in respect of postal packets, money orders, or telegrams, or otherwise under the Post Office Acts or the Telegraph Act, 1892.

The expression "Irish Act" means a law made by the Irish Legislature.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
<p>The expression "salary" includes remuneration, allowances, and emoluments.</p> <p>The expression "pension" includes superannuation allowance, and in relation to a constable of the Royal Irish Constabulary or Dublin Metropolitan Police includes a pension or gratuity payable to the widow or children of a constable.</p> <p>The expression "office" includes any place, situation, or employment, and the expression "officer" shall be construed accordingly.</p> <p>The expression "officer" in relation to the Royal Irish Constabulary includes the Inspector-General, the Deputy-Inspector-General, an Assistant-Inspector-General, the Assistant-Inspector-General-Commandant of the Depôt, the Town Inspector at Belfast, a County Inspector, a surgeon, a store-keeper and barrack-master, the veterinary surgeon, and a district inspector, and in relation to the Dublin Metropolitan Police, includes the Chief Commissioner, Assistant-Commissioner, and Secretary and Accountant.</p> <p>The expression "constable" in relation to the Royal Irish Constabulary includes the head-constable-major, a head-constable, sergeant, acting sergeant, and constable; and in relation to the Dublin Metropolitan Police includes every member of that force not being of higher rank than chief superintendent, and not being a member of the clerical staff only.</p> <p>The expression "Royal Irish Constabulary" includes the reserve force of that body.</p>	<p>The expression "rateable value" means the annual rateable value under the Irish Valuation Acts.</p> <p>The expression "salary" includes remuneration, allowances, and emoluments.</p> <p>The expression "pension" includes superannuation allowance.</p> <p>The expression "office" includes employment, and the expression "officer" includes the holder of any employment.</p> <p>Where by this Act provision is made for anything being done by "Her Majesty," or by the "Lord Lieutenant as representing Her Majesty," then, unless the context otherwise requires, the provision shall be construed to refer to Her Majesty acting in Council or through a Secretary of State.</p> <p>20. (1) Until the arrangements for the contribution of Ireland to Imperial liabilities and expenditure are revised as in this Act mentioned, the duties on postage in Ireland shall be imposed, and all matters relating to those duties or to the Post Office shall be regulated by Act of Parliament.</p> <p>(2) If the Irish Post Office revenue is less than the Irish Post Office expenditure, the deficiency shall be paid to the Exchequer of the United Kingdom out of the Irish Ex-</p>



# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893, As introduced.	1886.
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The expression "rateable value" means the annual rateable value under the Irish Valuation Acts.

The expression "salary" includes remuneration, allowances, and emoluments.

The expression "pension" includes superannuation allowance.

The expression "financial year" means the twelve months ending on the *thirty-first day of March*.

20. (1) As from *the appointed day* the postal and telegraph service in Ireland shall be transferred to the Irish Government, and may be regulated by Irish Act, except as in this Act mentioned and except as regards matters relating—

- (a) to such conditions of the transmission or delivery of postal packets and telegrams as are incidental to the duties on postage; or
- (b) to foreign mails or submarine tele-

32. Whenever an Act of the Legislature of Ireland has provided for carrying on the postal and telegraphic service with respect to the transmission of letters and telegrams in Ireland, and the post office and other savings banks in Ireland, and for protecting the officers then in such service, and the existing depositors in such post office savings banks, the Treasury shall make arrangements for the transfer of the said service and banks, in accordance with the said Act, and shall give

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
	<p>chequer, but if it is more, the excess shall be paid as part of the expenses attending the execution of the Post Office Acts, and shall form part of the special revenue of Ireland ; the amount of such revenue and expenditure shall be determined by an order of the committee appointed as provided by this Act jointly by the Treasury and the Irish Government in relation to the general revenue of Ireland, and such order shall be laid before the House of Commons.</p>

# THE HOME RULE BILL, 1912. COMPARED WITH THE PREVIOUS BILLS.

1893,  
As introduced.

1886.

graphs or through lines in connection therewith; or

(c) to any other postal or telegraph business in connection with places out of the United Kingdom.

(2) The administration of or incidental to the said excepted matters shall, save as may be otherwise arranged with the Irish Post Office, remain with the Postmaster-General.

(3) As regards the revenue and expenses of the postal and telegraph service, the Postmaster-General shall retain the revenue collected and defray the expenses incurred in Great Britain, and the Irish Post Office shall retain the revenue collected and defray the expenses incurred in Ireland, subject to the provisions of the Fourth Schedule to this Act; which schedule shall have full effect, but may be varied or added to by agreement between the Postmaster-General and the Irish Post Office.

(4) *The sums payable by the Postmaster-General or Irish Post Office to the other of them in pursuance of this Act shall, if not paid out of the Post Office moneys, be paid from the Exchequer of the United Kingdom or of Ireland, as the case requires, to the other Exchequer.*

(5) Sections forty-eight to fifty-two of the Telegraph Act, 1863, and any enactment amending the same, shall apply to all telegraphic lines of the Irish Government in like manner as to the telegraphs of a company within the meaning of that Act.

21. (1) As from *the appointed day* there shall be transferred to the Irish Government the post office savings banks in Ireland and all such powers and duties of any department or officer in Great Britain as are connected with post office savings banks, trustee savings banks or friendly societies in Ireland, and the same may be regulated by Irish Act.

(2) The Treasury shall publish not less than six months' previous notice of the transfer of savings banks.

(3) If before the date of the transfer any depositor in a post office savings bank so requests, his deposit shall, according to his request, either be paid to him or transferred to a post office savings bank in Great Britain, and after the said date the depositors in a post office savings bank in Ireland shall cease to have any claim against the Postmaster-General or the Consolidated Fund of the United Kingdom, but shall have the like claim against the Government and Consolidated Fund of Ireland.

(4) If before the date of the transfer the trustees of any trustee savings bank so request, then, according to the request, either all sums due to them shall be repaid, and the savings bank closed, or those sums shall be paid to the Irish Government, and after the said date the trustees shall cease to have any claim against the National Debt

public notice of the transfer, and shall pay all depositors in such post office savings banks who request payment within *six months* after the date fixed for such transfer, and after the expiration of such *six months* the said depositors shall cease to have any claim against the Postmaster-General or the Consolidated Fund of the United Kingdom, but shall have the like claim against the Consolidated Fund of Ireland, and the Treasury shall cause to be transferred in accordance with the said Act the securities representing the sums due to the said depositors in post office savings banks and the securities held for other savings banks.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893,  
As amended.

31. (1) Subject as in this Act mentioned and particularly to the Sixth Schedule to this Act (which Schedule shall have full effect) all existing election laws relating to the House of Commons and the members thereof shall, so far as applicable, extend to each of the two Houses of the Irish Legislature and the members thereof, but such election laws, so far as hereby extended may, except as respects the oath, qualification, and disqualification of members, and the vacating of seats, be altered by Irish Act.

(2) The privileges, rights, and immunities to be held and enjoyed by each House and the members thereof shall be such as may be defined by Irish Act, but so that the same shall never exceed those for the time being held and enjoyed by the House of Commons, and the members thereof.

(3) In the making of laws, and in all other matters ordinarily appertaining to a legislative body, both Houses of the Irish Legislature shall, except as regards a Bill, vote, resolution, or address relating to any tax or public revenue, or as otherwise in this Act provided, have equal rights, powers, and privileges.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893,  
As introduced.

1886.

Commissioners or the Consolidated Fund of the United Kingdom, but shall have the like claim against the Government and Consolidated Fund of Ireland.

(5) Notwithstanding the foregoing provisions of this section, if a sum due on account of any annuity or policy of insurance which has before the above-mentioned notice been granted through a post office or trustee savings bank is not paid by the Irish Government, that sum shall be paid out of the Exchequer of the United Kingdom.

32. (1) Subject as in this Act mentioned and particularly to the Seventh Schedule to this Act (which Schedule shall have full effect) all existing election laws relating to the House of Commons and the members thereof shall, so far as applicable, extend to each of the two Houses of the Irish Legislature and the members thereof, but such election laws so far as hereby extended may be altered by Irish Act.

(2) The privileges, rights, and immunities to be held and enjoyed by each House and the members thereof shall be such as may be defined by Irish Act, but so that the same shall never exceed those for the time being held and enjoyed by the House of Commons, and the members thereof.

22. On and after the appointed day there shall be reserved to Her Majesty—

- (1) The power of erecting forts, magazines, arsenals, dockyards, and other buildings for military or naval purposes ;
- (2) The power of taking waste land, and, on making due compensation, any other land, for the purpose of erecting such forts, magazines, arsenals, dockyards, or other buildings as aforesaid, and for any other military or naval purpose, or the defence of the realm.

34. (2) Subject as in this Act mentioned, all existing laws and customs relating to the members of the House of Commons and their election, including the enactments respecting the questioning of elections, corrupt and illegal practices, and registration of electors shall, so far as applicable, extend to elective members of the first order and to members of the second order of the Irish Legislative Body.

Provided that—

- (a) The law relating to the offices of profit enumerated in Schedule H to the Representation of the People Act, 1867, shall apply to such offices of profit in the government of Ireland not exceeding ten, as the Legislature of Ireland may from time to time direct ;
- (b) After the first dissolution of the Legislative Body, the Legislature of Ireland may, subject to the restrictions in this Act mentioned, alter the laws and customs in this section mentioned.

34. (1) The privileges, immunities, and powers to be held, enjoyed, and exercised by the Irish Legislative Body, and the members thereof, shall be such as are from time to time defined by Act of the Irish Legislature, but so that the same shall never exceed those at the passing of this Act held, enjoyed, and exercised by the House of Commons, and by the members thereof.

35. (1) The Lord Lieutenant of Ireland may make regulations for the following purposes :—

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893.  
As amended.

33. The local authority for any county or borough or other area shall not borrow money without either—

(a) special authority from the Irish Legislature, or

(b) the sanction of the proper department of the Irish Government ;  
and shall not, without such special authority, borrow :

(i) in the case of a municipal borough or town or area less than a county, any loan which together with the then outstanding debt of the local authority, will exceed twice the annual rateable value of the property in the municipal borough, town, or area ; or

(ii) in the case of a county or larger area, any loan which together with the then outstanding debt of the local authority, will exceed one-tenth of the annual rateable value of the property in the county or area ; or

(iii) in any case a loan exceeding one-half of the above limits without a local inquiry held in the county, borough, or area by a person appointed for the purpose by the said department.

34. (1) During three years from the passing of this Act, and if Parliament is then sitting until the end of that session of Parliament, the Irish Legislature shall not pass an Act respecting the relations of landlord and tenant, or the sale, purchase, or letting of land generally :

Provided that nothing in this section shall

# THE HOME RULE BILL, 1912. COMPARED WITH THE PREVIOUS BILLS.

1893.  
As introduced.

1886.

34. The local authority for any county or borough or other area shall not borrow money without either—

- (a) special authority from the Irish Legislature, or
- (b) the sanction of the proper department of the Irish Government :

and shall not, without such special authority, borrow ;

- (i) in the case of a municipal borough or town or area less than a county, any loan which together with the then outstanding debt of the local authority, will exceed twice the annual rateable value of the property in the municipal borough, town, or area ; or
- (ii) in the case of a county or larger area, any loan which together with the then outstanding debt of the local authority, will exceed one-tenth of the annual rateable value of the property in the county or area ; or
- (iii) in any case a loan exceeding one-half of the above limits without a local inquiry held in the county, borough, or area by a person appointed for the purpose by the said department.

35. (1) During *three* years from the passing of this Act, and if Parliament is then sitting until the end of that session of Parliament, the Irish Legislature shall not pass an Act respecting the relations of landlord and tenant, or the sale, purchase, or letting of land generally :

Provided that nothing in this section

- (a) The summoning of the Legislative Body and the election of a Speaker, and such adaptation to the proceedings of the Legislative Body of the procedure of the House of Commons as appears to him expedient for facilitating the conduct of business by that body on their first meeting ;
- (b) The adaptation of any law relating to the election of representative peers ;
- (c) The adaptation of any laws and customs relating to the House of Commons or the members thereof to the elective members of the first order and to members of the second order of the Legislative Body ; and
- (d) The mode of signifying their assent or election under this Act by representative peers or Irish members of the House of Commons as regards becoming members of the Irish Legislative Body in pursuance of this Act.

(2) Any regulations so made shall, in so far as they concern the procedure of the Legislative Body, be subject to alteration by Standing Orders of that Body, and so far as they concern other matters, be subject to alteration by the Legislature of Ireland, but shall, until alteration, have the same effect as if they were inserted in this Act.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
<p style="text-align: center;"><i>Short Title.</i></p> <p>48. This Act may be cited as the Irish Government Act, 1912.</p>	<p>prevent the passing of any Irish Act with a view to the purchase of land for railways, harbours, waterworks, town improvements, or other local undertakings.</p> <p>(2) During six years from the passing of this Act, the appointment of a judge of the Supreme Court or other superior court in Ireland (other than one of the Exchequer judges) shall be made in pursuance of a warrant from Her Majesty countersigned as heretofore.</p> <p>40. This Act may be cited as the Irish Government Act, 1893.</p>



# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893,  
As introduced.

1886.

shall prevent the passing of any Irish Act with a view to the purchase of land for railways, harbours, waterworks, town improvements, or other local undertakings.

(2) During *six* years from the passing of this Act, the appointment of a judge of the Supreme Court or other superior courts in Ireland (other than one of the Exchequer judges) shall be made in pursuance of a warrant from Her Majesty countersigned as heretofore.

40. This Act may be cited as the Irish Government Act, 1893.

41. This Act may be cited for all purposes as the Irish Government Act, 1886.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.		1893, As amended.	
SCHEDULES.			
FIRST SCHEDULE.		FIRST SCHEDULE.	
PART I.		LEGISLATIVE COUNCIL.	
IRISH HOUSE OF COMMONS.		CONSTITUENCIES AND NUMBER OF COUNCILLORS.	
CONSTITUENCIES AND NUMBER OF MEMBERS.		Constituencies.	Councillors.
<i>Boroughs.</i>			
Constituency.	Number of Members.		
Dublin—		Antrim county ... ..	Three
College Green ... ..	Three	Armagh county ... ..	One
Harbour ... ..	Three	Belfast borough ... ..	Two
St. Stephen's Green ... ..	Two	Carlow county ... ..	One
St. Patrick's ... ..	Three	Cavan county ... ..	One
Belfast—		Clare county ... ..	One
East ... ..	Five	Cork county—	
South ... ..	Three	East Riding ... ..	Three
West ... ..	Two	West Riding ... ..	One
North ... ..	Four	Cork borough ... ..	One
Londonderry ... ..	Two	Donegal county ... ..	One
Cork ... ..	Four	Down county ... ..	Three
Limerick ... ..	Two	Dublin county ... ..	Three
Waterford ... ..	One	Dublin borough ... ..	Two
Totals (boroughs) ...	Thirty-four	Fermanagh county ... ..	One
		Galway county ... ..	Two
		Kerry county ... ..	One
		Kildare county ... ..	One
		Kilkenny county ... ..	One
		King's county ... ..	One
		Leitrim and Sligo counties ...	One
		Limerick county ... ..	Two
		Londonderry county ... ..	One
		Longford county ... ..	One
		Louth county ... ..	One
		Mayo county ... ..	One
		Meath county ... ..	One
		Monaghan county ... ..	One
		Queen's county ... ..	One
		Roscommon county ... ..	One
		Tipperary county ... ..	Two
		Tyrone county ... ..	One
		Waterford county ... ..	One
		Westmeath county ... ..	One
		Wexford county ... ..	One
		Wicklow county ... ..	One
			Forty-eight
<i>Counties.</i>			
ULSTER.			
Constituency.	Number of Members.		
Antrim county—			
North Antrim ... ..	Two		
Mid Antrim ... ..	Two		
East Antrim ... ..	Two		
South Antrim ... ..	Two		
Armagh county—			
North Armagh ... ..	Two		
Mid Armagh ... ..	One		
South Armagh (including that part of Newry which is situated in Armagh county)	One		
Cavan county—			
West Cavan ... ..	Two		
East Cavan ... ..	Two		

*continued.*

The expression "borough" in this Schedule means an existing parliamentary borough.

Counties of cities and towns not named in this Schedule shall be combined with the county at large in which they are included for parliamentary elections, and if not so included, then with the county at large bearing the same name.

A borough named in this Schedule shall not for the purposes of this Schedule form part of any other constituency.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893,  
As introduced.

## FIRST SCHEDULE.

### LEGISLATIVE COUNCIL.

#### CONSTITUENCIES AND NUMBER OF COUNCILLORS.

Constituencies.	Councillors.
Antrim county ... ..	Three
Armagh county ... ..	One
Belfast borough ... ..	Two
Carlow county ... ..	One
Cavan county ... ..	One
Clare county ... ..	One
Cork county—	
East Riding ... ..	Three
West Riding ... ..	One
Cork borough ... ..	One
Donegal county ... ..	One
Down county ... ..	Three
Dublin county ... ..	Three
Dublin borough ... ..	Two
Fermanagh county ... ..	One
Galway county ... ..	Two
Kerry county ... ..	One
Kildare county ... ..	One
Kilkenny county ... ..	One
King's county ... ..	One
Leitrim and Sligo counties ...	One
Limerick county ... ..	Two
Londonderry county ... ..	One
Longford county ... ..	One
Louth county ... ..	One
Mayo county ... ..	One
Meath county ... ..	One
Monaghan county ... ..	One
Queen's county ... ..	One
Roscommon county ... ..	One
Tipperary county ... ..	Two
Tyrone county ... ..	One
Waterford county ... ..	One
Westmeath county ... ..	One
Wexford county ... ..	One
Wicklow county ... ..	One
	Forty-eight

1886.

## FIRST SCHEDULE.

### FIRST ORDER OF THE IRISH LEGISLATIVE BODY.

Electoral Districts.	Number of Members.	Rotation.
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*Legislative Body—Provisions Relating to  
Irish Order.*

## SECOND SCHEDULE.

### PROVISIONS RELATING TO THE FIRST ORDER OF THE IRISH LEGISLATIVE BODY.

*Boundaries of Divisions of Cork City.*

## THIRD SCHEDULE.

### BOUNDARIES OF DIVISIONS OF THE CITY OF CORK FOR THE PURPOSE OF RETURNING MEMBERS TO THE SECOND ORDER OF THE LEGISLATIVE BODY.

The expression "borough" in this Schedule means an existing parliamentary borough.

Counties of cities and towns not named in this Schedule shall be combined with the county at large in which they are included for parliamentary elections, and if not so included, then with the county at large bearing the same name.

A borough named in this Schedule shall not for the purposes of this Schedule form part of any other constituency.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.		1893, As amended.
<i>continued.</i>		
Constituency.	Number of Members.	
Donegal county—		
North Donegal ... ..	Two	
West Donegal ... ..	Two	
East Donegal ... ..	One	
South Donegal ... ..	Two	
Down county—		
North Down ... ..	Two	
East Down ... ..	Two	
West Down ... ..	Two	
South Down (including that part of Newry which is situated in Down county)	} Two	
Fermanagh county—		
North Fermanagh ... ..	One	
South Fermanagh ... ..	One	
Londonderry county—		
North Londonderry ... ..	Two	
South Londonderry ... ..	Two	
Monaghan county—		
North Monaghan ... ..	One	
South Monaghan ... ..	One	
Tyrone county—		
North Tyrone ... ..	One	
Mid Tyrone ... ..	One	
East Tyrone ... ..	One	
South Tyrone ... ..	One	
Totals (Ulster counties)...	Forty-three	

## LEINSTER.

Constituency.	Number of Members.	
Carlow county ... ..	One	
Dublin county—		
North Dublin ... ..	Three	
South Dublin ... ..	Three	
Kildare county—		
North Kildare ... ..	One	
South Kildare ... ..	One	
Kilkenny county—		
North Kilkenny (including the borough of Kilkenny) ...	} Two	
South Kilkenny ... ..	One	
King's County—		
Birr ... ..	One	
Tullamore ... ..	One	
Longford county—		
North Longford ... ..	One	
South Longford ... ..	One	

*continued.*

# THE HOME-RULE BILL, 1912. COMPARED WITH THE PREVIOUS BILLS.

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1893.  
As introduced.

1886.

# THE HOME RULE BILL, 1912. COMPARED WITH THE PREVIOUS BILLS.

1912.	1893. As amended.
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*continued*

Constituency.	Number of Members.
Louth county—	
North Louth ... ..	One
South Louth ... ..	One
Meath county—	
North Meath ... ..	One
South Meath ... ..	One
Queen's county—	
Ossory ... ..	One
Leix ... ..	One
Westmeath county—	
North Westmeath ... ..	One
South Westmeath ... ..	One
Wexford county—	
North Wexford ... ..	Two
South Wexford ... ..	Two
Wicklow county—	
West Wicklow ... ..	One
East Wicklow ... ..	One
Totals (Leinster counties)	Thirty

## MUNSTER.

Constituency.	Number of Members.
Clare county—	
East Clare ... ..	Two
West Clare ... ..	Two
Cork county—	
North Cork ... ..	Two
North-East Cork ... ..	Two
Mid Cork ... ..	Two
East Cork ... ..	Two
West Cork ... ..	One
South Cork ... ..	One
South-East Cork ... ..	One
Kerry county—	
North Kerry ... ..	One
West Kerry ... ..	Two
South Kerry ... ..	One
East Kerry ... ..	One
Limerick county—	
West Limerick ... ..	Two
East Limerick ... ..	Two
Tipperary county—	
North Tipperary ... ..	One
Mid Tipperary ... ..	One
South Tipperary ... ..	One
East Tipperary ... ..	One
Waterford county—	
West Waterford ... ..	One
East Waterford ... ..	One
Totals (Munster counties)	Thirty

THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS  
BILLS.

1893,  
As introduced.

1886.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.		1893, As amended.
CONNAUGHT.		
Constituency.	Number of Members.	
Galway county—		
Connemara ... ..	Two	
North Galway ... ..	Two	
East Galway ... ..	Two	
South Galway (including the borough of Galway)... ..	} Two	
Leitrim county—		
North Leitrim ... ..	One	
South Leitrim ... ..	One	
Mayo county—		
North Mayo ... ..	Two	
West Mayo ... ..	Two	
East Mayo ... ..	Two	
South Mayo ... ..	Two	
Roscommon county—		
North Roscommon ... ..	Two	
South Roscommon ... ..	Two	
Sligo county—		
North Sligo ... ..	Two	
South Sligo ... ..	One	
Totals (Connaught counties) ... ..	Twenty- five	
UNIVERSITIES.		
Constituency.	Number of Members.	
Dublin University ... ..	Two	
TOTAL OF BOROUGH, COUNTY AND UNIVER- SITY MEMBERS :—		
Borough members ... ..	34	
County members ... ..	128	
University members ... ..	2	
Total members ... ..	164	



THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS  
BILLS.

1893. As introduced.	1886.
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# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

## PART II.

### REPRESENTATION OF IRELAND IN THE HOUSE OF COMMONS OF THE UNITED KINGDOM.

#### CONSTITUENCIES AND NUMBER OF MEMBERS.

#### *Boroughs.*

Constituency.	Number of Members.
Dublin... ..	Three
Belfast ... ..	Four
Cork ... ..	One
Totals (boroughs) ... ..	Eight

#### *Counties.*

#### ULSTER.

Constituency.	Number of Members.
Antrim ... ..	Two
Armagh (including that part of Newry which is situated in Armagh county) ... ..	One
Cavan ... ..	One
Donegal ... ..	Two
Fermanagh ... ..	Two
Londonderry (including the borough of Londonderry) ... ..	One
Monaghan ... ..	Two
Tyrone ... ..	Two
Down (including that part of Newry which is situated in Down county) ... ..	Two
Totals (Ulster counties)	Eleven

#### LEINSTER.

Constituency.	Number of Members.
Dublin... ..	Two
King's county ... ..	One
Queen's county ... ..	One
Kildare ... ..	One
Wicklow ... ..	One
Wexford ... ..	One
Carlow... ..	One
Kilkenny (including borough of Kilkenny) ... ..	One
Longford ... ..	One
Westmeath ... ..	One
Louth ... ..	One
Meath ... ..	One
Totals (Leinster counties)	Eight

1893,  
As amended.

## SECOND SCHEDULE.

### IRISH MEMBERS IN THE HOUSE OF COMMONS.

Constituency.	Number of Members for House of Commons.
Antrim county ... ..	Three
Armagh county ... ..	Two
Belfast borough (in divisions as mentioned below)	Four
Carlow county ... ..	One
Cavan county ... ..	Two
Clare county ... ..	Two
Cork county (in divisions as mentioned below)	Five
Cork borough ... ..	Two
Donegal county ... ..	Three
Down county ... ..	Three
Dublin county ... ..	Two
Dublin borough (in divisions as mentioned below)	Four
Fermanagh county ... ..	One
Galway county ... ..	Three
Galway borough ... ..	One
Kerry county ... ..	Three
Kildare county ... ..	One
Kilkenny county ... ..	One
Kilkenny borough ... ..	One
King's county ... ..	One
Leitrim county ... ..	Two
Limerick county ... ..	Two
Limerick borough ... ..	One
Londonderry county... ..	Two
Londonderry borough ... ..	One
Longford county ... ..	One
Louth county ... ..	One
Mayo county ... ..	Three
Meath county ... ..	Two
Monaghan county ... ..	Two
Newry borough ... ..	One
Queen's county ... ..	One
Roscommon county ... ..	Two
Sligo county ... ..	Two
Tipperary county ... ..	Three
Tyrone county ... ..	Three
Waterford county ... ..	One
Waterford borough ... ..	One
Westmeath county ... ..	One
Wexford county ... ..	Two
Wicklow county ... ..	One
	Eighty

(1) In this Schedule the expression "borough" means an existing parliamentary borough.

(2) In the parliamentary boroughs of Belfast and Dublin, one member shall be returned by each of the existing parlia-

# THE HOME RULE BILL, 1912. COMPARED WITH THE PREVIOUS BILLS.

1893, As introduced.		1886.
SECOND SCHEDULE.		
IRISH MEMBERS IN THE HOUSE OF COMMONS.		
Constituency.	Number of Mem- bers for House of Commons.	
Antrim county ... ..	Three	
Armagh county ... ..	Two	
Belfast borough (in divisions as mentioned below)	Four	
Carlow county ... ..	One	
Cavan county ... ..	Two	
Clare county ... ..	Two	
Cork county (in divisions as men- tioned below)	Five	
Cork borough ... ..	Two	
Donegal county... ..	Three	
Down county ... ..	Three	
Dublin county ... ..	Two	
Dublin borough (in divisions as mentioned below)	Four	
Fermanagh county ... ..	One	
Galway county ... ..	Three	
Galway borough ... ..	One	
Kerry county ... ..	Three	
Kildare county ... ..	One	
Kilkenny county ... ..	One	
Kilkenny borough ... ..	One	
King's county ... ..	One	
Leitrim county ... ..	Two	
Limerick county ... ..	Two	
Limerick borough ... ..	One	
Londonderry county... ..	Two	
Londonderry borough ... ..	One	
Longford county ... ..	One	
Louth county ... ..	One	
Mayo county ... ..	Three	
Meath county ... ..	Two	
Monaghan county ... ..	Two	
Newry borough ... ..	One	
Queen's county ... ..	One	
Roscommon county ... ..	Two	
Sligo county ... ..	Two	
Tipperary county ... ..	Three	
Tyrone county ... ..	Three	
Waterford county ... ..	One	
Waterford borough ... ..	One	
Westmeath county ... ..	One	
Wexford county ... ..	Two	
Wicklow county ... ..	One	
Eighty		

(1) In this Schedule the expression "borough" means an existing parliamentary borough.

(2) In the parliamentary boroughs of Belfast and Dublin, one member shall be returned by each of the existing parlia-

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
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## MUNSTER.

Constituency.	Number of Members.
Clare ... ..	One
East Limerick ... ..	} One
Borough of Limerick ... ..	
Kerry ... ..	} Two
West Limerick ... ..	
Cork, South ... ..	} One
Cork, South-east ... ..	
Waterford, West ... ..	} Two
The remaining five divisions of Cork... ..	
Tipperary, East... ..	} One
Waterford, East ... ..	
Borough of Waterford ... ..	} One
The remaining three divisions of Tipperary ... ..	
Totals (Munster counties)	Nine

mentary divisions of those boroughs, and the law relating to the divisions of boroughs shall apply accordingly.

(3) The county of Cork shall be divided into two divisions, consisting of the East Riding and the West Riding, and three members shall be elected by the East Riding, and two members shall be elected by the West Riding; and the law relating to divisions of counties shall apply to those divisions.

## CONNAUGHT.

Constituency.	Number of Members.
Galway (including Galway borough)... ..	} Two
North Mayo ... ..	
West Mayo ... ..	} One
South Mayo ... ..	
South Roscommon ... ..	} One
East Mayo ... ..	
Sligo ... ..	} One
Leitrim ... ..	
North Roscommon ... ..	} One
Totals (Connaught counties)	Six

## TOTAL OF BOROUGH AND COUNTY MEMBERS

Borough members ... ..	8
County members ... ..	34
Total members ... ..	<u>42</u>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

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1893,  
As introduced.

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1886.

mentary divisions of those boroughs, and the law relating to the divisions of boroughs shall apply accordingly.

(3) The county of Cork shall be divided into two divisions, consisting of the East Riding and the West Riding, and three members shall be elected by the East Riding, and two members shall be elected by the West Riding; and the law relating to divisions of counties shall apply to those divisions.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893,  
As amended.

## SECOND SCHEDULE.

### STAMP DUTIES WHICH MAY NOT BE ALTERED BY THE IRISH PARLIAMENT.

Duties on the following instruments:—

Marketable securities.

Share warrants and stock certificates to bearer (including instruments to bearer on which duty is charged by virtue of Sub-section (2) of Section 4 or Section 5 or Section 6 of the Finance Act, 1899).

Transfers of stocks, shares and marketable securities (including composition for duty on any such transfers).

Bills of Exchange and promissory notes. Contract notes.

Letters of allotment, letters of renunciation, and scrip certificates.

Statements as to amount of capital of corporations or companies with limited liability, and as to amount of capital contributed by limited partner.

Statements as to amount proposed to be secured by issue of loan capital.

Mortgages to secure debenture stock.

Policies of sea insurance.

Policies of life insurance.

## THIRD SCHEDULE.

### PROVISIONS AS TO COMPENSATION OF EXISTING IRISH OFFICERS.

1. (1) If any existing Irish officer who is serving in the civil service of the Crown in an established capacity or who though not so serving in an established capacity devotes his whole time to the duties of his office—

(a) Retires under the conditions hereinafter defined as the statutory conditions of retirement; or

(b) Retires with the permission of the Civil Service Committee given in accordance with this Act; or

(c) Is removed from office by the Irish Government before he attains the age of sixty years for any cause other than misconduct or incapacity, or required to retire by the Irish Government before he attains that age for any cause other than as aforesaid;

he shall be entitled to receive such compensation as the Civil Service Committee

## FOURTH SCHEDULE.

### PROVISIONS AS TO PENSIONS AND GRATUITIES TO PERSONS IN THE PUBLIC SERVICE.

(1) The gratuity or pension which may be awarded under this Act to any existing officer who is, on the appointed day, serving in Ireland in the permanent civil service of the Crown, and has not a salary charged on the Consolidated Fund of the United Kingdom, and is removable for reasons other than misconduct or incapacity, or to an officer who, though not in the permanent civil service, is in the public service, and devotes his whole time to the duties of his office, shall be as follows, namely:—

(A) If the officer was serving in a capacity which qualifies him for a pension under the Superannuation Act, 1859, and leaves the service during the transitional period on abolition of office or on reorganisation of department, or on resignation under this Act, or on requirement from the Irish Government—a pension may be awarded, calculated in like

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893, As introduced.	1886.
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## FIFTH SCHEDULE.

REGULATIONS AS TO GRATUITIES AND  
PENSIONS FOR CIVIL SERVANTS.

## FOURTH SCHEDULE.

PROVISIONS AS TO SUPERANNUATION  
ALLOWANCES OF PERSONS IN THE  
PERMANENT CIVIL SERVICE.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893,  
As amended.

may award to him in accordance with the provisions of Part I. of the Rules contained in this Schedule if he is serving in an established capacity, and in accordance with the provisions of Part II. of the Rules contained in this Schedule, if though not serving in an established capacity he devotes his whole time to the duties of his office.

(2) If any existing Irish officer who is serving in the civil service of the Crown not being an officer who is serving in an established capacity, or an officer who though not serving in an established capacity devotes his whole time to the duties of his office, is removed from office or required to retire by the Irish Government for any cause other than misconduct or incapacity, he shall be entitled to receive such compensation as the Civil Service Committee may award to him in accordance with the provisions of Part II. of the Rules contained in this Schedule.

2. For the purposes of this Act, the statutory conditions of retirement are that—

- (a) Retirement must take place within a period of five years from the passing of this Act (in this Schedule referred to as the transitional period);
- (b) Notice of the intention to retire must be given in the prescribed manner;
- (c) The retirement must not take place until at least six months after the notice of retirement has been given, and may be postponed by the Civil Service Committee, if they think fit, to any later date within the transitional period; and
- (d) The retiring officer must show to the satisfaction of the Civil Service Committee that he is not incapacitated by mental or bodily infirmity for the performance of his duties and that he will not be liable under the existing rules as to age to retire before the end of the transitional period.

3. The Civil Service Committee shall not give their permission under this Act to an officer to retire unless that officer shows to the satisfaction of the Committee—

- (a) That the duties which he is required to perform are neither the same as nor analogous to the duties theretofore performed by him or are an unreasonable addition to those duties; or
- (b) That his remuneration has been reduced on the ground that his duties have been diminished.

manner as has heretofore been the custom under section seven of the Superannuation Act, 1859, and the enactments amending the same, in the case of an officer retiring on abolition of office, that is to say, at the rate of one-sixtieth of his salary for every completed year of service reckoned as follows :—

- (i) His years of service shall be reckoned as if he had served up to the end of the transitional period, or any earlier date at which he will be required under the existing rules as to age to retire, and his salary shall, where there are periodical increments, be taken at the amount which it would have reached if he had continued to serve in the same office up to the said end or date ;
  - (ii) There shall be added to the years of service so reckoned (in this schedule referred to as actual years), any additional years he might independently of this schedule reckon under section four of the Superannuation Act, 1859, and also the following years (in this schedule referred to as abolition years), namely :—
    - if he has completed less than ten actual years of service, three years ;
    - if he has completed ten and less than fifteen actual years of service, five years ;
    - if he has completed fifteen and less than twenty actual years of service, seven years ;
    - if he has completed more than twenty actual years of service, ten years ;
- but no pension shall exceed two-thirds of his salary ; and no abolition years shall be reckoned in excess of the difference between the age of the officer at the time of his retirement and the age at which he will be required under the existing rules as to age to retire.

- (B) If the officer was serving in a capacity which qualifies him on retirement for a gratuity under section four of the Superannuation Act, 1887, the same gratuity may be awarded as might have been awarded if he had retired on the abolition of his office.
- (C) If the officer was on the register of copyists—the same gratuity may be awarded as might have been awarded if his name had been removed from the register on a medical certificate.
- (D) If the foregoing provisions do not apply to any officer—the gratuity or pension awarded may be such as to the Treasury appears just having regard to all the circumstances of the case, but less than the amount which might have been awarded to such officer if he had been in the permanent civil service.



THE HOME RULE BILL, 1912. COMPARED WITH THE PREVIOUS  
BILLS.

1893, As introduced.	1886.
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# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893. As amended.
<p>4. (1) For the purpose of the provisions of this Act as to existing officers, petty sessions clerks and officers in the Registry of Petty Sessions Clerks shall be deemed to be officers in the civil service of the Crown, and in the case of officers in the Registry of Petty Sessions Clerks to be officers serving in an established capacity, but any payments to any such officer on account of compensation payable under the provisions of this Act shall, instead of being made out of moneys provided by the Parliament of the United Kingdom, be made out of the Petty Sessions Clerks Fund:</p> <p>Provided that if the amount of the Petty Sessions Clerks Fund is at any time by reason of the provisions of this Act insufficient to meet any payments charged on it under this or any other Act, the deficiency shall be charged on and paid out of the Irish Consolidated Fund, and made good to the Irish Consolidated Fund out of the Petty Sessions Clerks Fund as the state of that fund allows.</p> <p>This provision shall apply to the pensionable assistants of the petty sessions clerks at Cork and Belfast as it applies to the petty sessions clerks.</p>	<p>(2) This schedule shall apply to an officer in the registry of petty sessions clerks in like manner as if he was serving in a capacity which qualifies him for a pension under the Superannuation Act, 1859, and to a petty sessions clerk in like manner as if he was an officer in the public service, and as if the fund applicable were money provided by Parliament.</p> <p>(3) The Pensions Commutation Act, 1871, shall apply to any officer who is awarded a pension under the foregoing provisions of this schedule, in like manner as if he had retired on the abolition of his office, and any terminable annuity payable in respect of the commutation of a pension shall be payable out of the same funds as the pension.</p> <p>(4) The pension which may be awarded under this Act to any existing officer, who is serving in a capacity which qualifies him for a pension under the Superannuation Act, 1859, and continues to hold office under the Irish Government after the end of the transitional period, shall be the like pension as might be awarded to such officer under the Superannuation Act, 1859, if he had at the end of that period retired from service on the abolition of office, but without the addition of any abolition years.</p> <p>(5) Where an existing officer in the public service who does not devote his whole time to the duties of his office, and is not provided for by any other provision of this Act, applies to the Treasury, such gratuity or pension may be awarded to him by way of compensation for loss of office as appears to the Treasury just, having regard to all the circumstances of the case, and especially to the amount of his remuneration out of moneys provided by Parliament:</p> <p>Provided that the compensation shall in no case exceed three-fourths of the amount which might have been granted, if section seven of the Superannuation Act, 1859, had applied to him, and if the total remuneration of his office had not exceeded the amount</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893.  
As introduced.

1886.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893.  
As amended.

## RULES—PART I.

### OFFICERS SERVING IN THE CIVIL SERVICE OF THE CROWN IN AN ESTABLISHED CAPACITY.

#### A.—On Retirement under the Statutory Conditions of Retirement.

1. The compensation which may be awarded to the officer shall be an annual allowance, not exceeding in any case two-thirds of the salary on which the allowance is reckoned, or, if he has completed less than ten years of service as reckoned for the purposes of this provision, a gratuity.

2. The annual allowance or gratuity shall be calculated in like manner as the superannuation allowance or gratuity which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1909, if he retired on the ground of ill-health, save that for the purposes of that calculation the following provisions shall have effect, that is to say—

(a) His years of service shall be reckoned as if he had served up to the end of the transitional period, and there shall be added any additional years which he may be entitled to reckon under Section 4 of the Superannuation Act, 1859.

(b) His salary, where there are periodical increments, shall be taken at the amount which it would have reached if he had continued to serve in the same office up to the end of the transitional period.

#### B.—On retirement with the permission of the Civil Service Committee under this Act or on being removed from office or required to retire by the Irish Government before attaining the age of sixty years for any cause other than misconduct or incapacity.

1. The compensation which may be awarded to the officer shall be an annual allowance not exceeding in any case two-thirds of the salary on which the allowance is reckoned.

2. The annual allowance shall be calculated in like manner as the superannuation allowance which the officer would be qualified to receive under the Superannuation Acts, 1834 to 1909, if he retired on the ground of ill-health, save that for the purposes of such calculation, the following provisions shall have effect, that is to say—

(a) Where the officer retires or is removed after the end of the transitional period, ten years shall be added as abolition years to the years

received by him out of moneys provided by Parliament.

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BILLS.

1893.  
As introduced.

18 6.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1892,  
As amended.

of service which he would be entitled to reckon for the purposes of such superannuation allowance.

(b) Where the officer retires or is removed during the transitional period his years of service shall be reckoned and the amount of his salary shall be computed in the same manner as is provided in this Part of these Rules in the case of an officer retiring under the statutory conditions of retirement, and ten years shall be added as abolition years to the years of service so reckoned.

(c) Where the officer has been permitted by the Civil Service Committee to retire on account of reduction of salary, his salary shall be taken at its amount prior to the reduction :

Provided that—

(i) Where an officer at the time of leaving the service has attained the age of thirty years but has not attained the age of thirty-six years, the abolition years to be added for the purpose of this article shall be seven years instead of ten, and where an officer at the time of leaving the service has not attained the age of thirty years, or where, whatever his, age his years of service as reckoned for the purposes of this article, exclusive of the abolition years, are less than ten, the abolition years to be added for those purposes shall be five years instead of ten ; and

(ii) No abolition years shall be added in excess of the difference between the age of an officer at the time of his leaving the service and the age at which he would be liable to leave the service under the existing rules as to age.

## *C.—Officers to whom the Superannuation Act, 1909, applies.*

1. An officer to whom the Superannuation Act, 1909, applies by reason only of his having elected to adopt the provisions of that Act shall, if he so requires, be treated for the purpose of the determination of his compensation under this Schedule as if he had not so elected.

2. As respects any such officer who does not require his compensation to be determined as aforesaid, and any other officer to whom the Superannuation Act, 1909, applies, the provisions contained in Heads A. and B. of this Part of these Rules shall have effect subject to the following modifications, that is to say—

(a) The annual allowance or gratuity awarded to the officer shall be

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1893,  
As introduced.

1886.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
<p>calculated on the proportion of salary prescribed by Sub-section (1) of Section 1 of the Superannuation Act, 1909, instead of the proportion prescribed by Section 2 of the Superannuation Act, 1859, and the annual allowance which may be awarded to the officer shall not in any case exceed one-half of the salary on which the allowance is calculated.</p> <p>(b) In addition to the annual allowance or gratuity there may be awarded to the officer an additional allowance calculated in like manner as an additional allowance under the Superannuation Act, 1909, and for the purposes of that calculation his years of service and salary shall be reckoned and computed as in the case of his annual allowance or gratuity, but the additional allowance so awarded shall not exceed one and a half times the amount of the salary on which the allowance is calculated, except in the case of an officer to whom the Superannuation Act, 1909, applies by reason of his having elected to adopt its provisions, and then only to the extent specified in Section 3 of that Act.</p>	

## RULES—PART II.

### OFFICERS SERVING IN THE CIVIL SERVICE OF THE CROWN WHO ARE NOT SERVING IN AN ESTABLISHED CAPACITY.

1. The compensation which may be awarded to the officer shall be such gratuity or annual allowance (if any) as the Civil Service Committee think just having regard to the following considerations, that is to say—

- (a) The conditions on which the officer was appointed ;
- (b) The nature and duration of his employment ;
- (c) In the case of officers who do not devote their whole time to the duties of their office, the amount of time so devoted ;
- (d) The circumstances in which he is leaving the service ;
- (e) The compensation which might have been awarded to him on leaving the service in similar circumstances if Part I. of these Rules had applied to him ;
- (f) Any offer made to him of another office or employment under the Irish Government ;
- (g) The probability (if any) of his having continued in office for a longer period but for the passing of this Act ; and



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BILLS.

1893.  
As introduced.

1886.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893,  
As amended.

(h) Any other circumstances affecting his case.

2. The compensation shall in every case be less than the compensation which might under Part I. of these Rules have been awarded to the officer on leaving the service in similar circumstances if that Part of these Rules had applied to him.

## FIFTH SCHEDULE.

### PART ONE.

REGULATIONS AS TO ESTABLISHMENT OF POLICE FORCES AND AS TO THE ROYAL IRISH CONSTABULARY AND DUBLIN METROPOLITAN POLICE CEASING TO EXIST.

(1) Such local police forces shall be established under such local authorities and for such counties, municipal boroughs, or other larger areas as may be provided by Irish Act.

(2) Whenever the Executive Committee of the Privy Council in Ireland certify to the Lord Lieutenant that a police force adequate for local purposes has been established in any area, he shall within six months thereafter direct the Royal Irish Constabulary to be withdrawn from the performance of regular police duties in such area, and such order shall be forthwith carried into effect.

(3) Upon any such withdrawal the Lord Lieutenant as representing her Majesty shall within six months thereafter order measures to be taken for reducing the numbers of the Royal Irish Constabulary to such extent as appears to him necessary by reason of the said withdrawal, and such order shall be duly executed.

(4) Upon the Executive Committee of the Privy Council in Ireland certifying to the Lord Lieutenant that adequate local police forces have been established in every part of Ireland, the Lord Lieutenant shall, within six months after such certificate, or if the certificate is given within six years after the appointed day, at such later date before the expiration of those six years, as the Lord Lieutenant as representing Her Majesty thinks expedient, order measures to be taken for causing the whole of the Royal Irish Constabulary to cease to exist as a police force, and such order shall be duly executed.

(5) Where the area in which a local police force is established is part of the Dublin Metropolitan Police District, the foregoing regulations shall apply to the Dublin Metropolitan Police in like manner as if it were the Royal Irish Constabulary.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893.  
As introduced.

1886.

## SIXTH SCHEDULE.

### PART I.

REGULATIONS AS TO ESTABLISHMENT OF  
POLICE FORCES AND AS TO THE ROYAL  
IRISH CONSTABULARY AND DUBLIN  
METROPOLITAN POLICE CEASING TO  
EXIST.

(1) Such local Police forces shall be established under such local authorities and for such counties, municipal boroughs or other larger areas, as may be provided by Irish Act.

(2) Whenever the Executive Committee of the Privy Council in Ireland certify to the Lord Lieutenant that a police force, adequate for local purposes, has been established in any area, then, subject to the provisions of this Act, he shall within six months thereafter direct the Royal Irish Constabulary to be withdrawn from the performance of regular police duties in such area, and such order shall be forthwith carried into effect.

(3) Upon any such withdrawal the Lord Lieutenant shall order measures to be taken for a proportionate reduction of the numbers of the Royal Irish Constabulary, and such order shall be duly executed.

(4) Upon the Executive Committee of the Privy Council in Ireland certifying to the Lord Lieutenant that adequate local police forces have been established in every part of Ireland, then, subject to the provisions of this Act, the Lord Lieutenant shall, within six months after such certificate, order measures to be taken for causing the whole of the Royal Irish Constabulary to cease to exist as a police force, and such order shall be duly executed.

(5) Where the area in which a local police force is established is part of the Dublin Metropolitan Police District, the foregoing regulations shall apply to the Dublin Metropolitan Police in like manner as if that force were the Royal Irish Constabulary.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893.  
As amended.

## FOURTH SCHEDULE.

### PROVISION AS TO COMPENSATION OF MEMBERS OF THE ROYAL IRISH CONSTABULARY AND DUBLIN METROPOLITAN POLICE.

Any officer or constable who after the day of transfer is required to retire for any cause other than misconduct, and is not incapacitated for the performance of his duty by mental or bodily infirmity, shall, unless he is qualified for the maximum pension that can be granted to him for length of service only under the enactments aforesaid, be entitled to receive such compensation as may be awarded to him by the Lord Lieutenant in accordance with the Rules contained in this Schedule.

#### RULES.

1. The compensation which may be awarded to an officer or constable shall be an annual allowance.

2. The annual allowance shall be calculated in like manner as the pension which the officer or constable would have been entitled to receive under the enactments applicable to him if he had retired voluntarily and had been qualified in respect of his length of service for a pension, save that for the purposes of that calculation the following provisions shall have effect—

(a) There shall be added to his completed years of actual service, if the proportion of salary on which his allowance is calculated is one-fiftieth, ten years, and if that proportion is one-sixtieth, twelve years, but any such addition of years shall not affect the amount of salary in respect of which his annual allowance is to be calculated; and

(b) If he has, in addition to his completed years of actual service, served for a period exceeding six months, his service for that period shall be reckoned as a completed year of actual service.

3. The allowance awarded to an officer or constable shall in no case exceed the maximum pension which could under the enactments applicable to him have been awarded to him if he had retired for length of service only.

4. In the event of a constable dying within one year after an annual allowance has been awarded to him under this Schedule, the Lord Lieutenant may, if he thinks fit, grant an annuity to the widow or children of the constable in like manner as if the allowance were a pension granted to the constable on retirement.

## PART TWO.

### REGULATIONS AS TO PENSIONS FOR OFFICERS AND MEN OF ROYAL IRISH CONSTABULARY AND OF DUBLIN METROPOLITAN POLICE.

#### *As to Officers.*

For the purpose of executing the orders of the Lord Lieutenant mentioned in Part One of this schedule, any officer or man of the Royal Irish Constabulary or the Dublin Metropolitan Police, as the case may be, shall, if so required, retire, and upon such retirement there may be awarded to him a pension as follows, that is to say:—

- (1) If he is an officer there may be awarded to him—
- (a) if he was appointed on or before the eighteenth day of August one thousand eight hundred and eighty-two, a pension equal to one-fiftieth of his annual salary for each completed year of service, with an addition of ten years to his actual years of service; and
- (b) if he was appointed since the eighteenth day of August one thousand eight hundred and eighty-two, a pension equal to one-sixtieth of his annual salary for each completed year of service, with the addition of twelve years to his actual years of service.

Provided that—

(i) The pension awarded to an officer appointed before the tenth day of August one thousand eight hundred and sixty-six shall not be less than the pension which could have been awarded him under the provisions of the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter one hundred, intituled "An Act to regulate the superannuation allowance of the Constabulary Force in Ireland and the Dublin Metropolitan Police," if he had served as an officer over forty years; and

(ii) In no case shall a pension exceed the maximum pension which, under the existing law, could be awarded to the officer if he had retired for length of service.

(3) Salary shall be calculated and service reckoned in accordance with the Constabulary (Ireland) Amendment Act, 1882.

(4) In this schedule the expression "officer" includes the Inspector-General, the Deputy Inspector-General, an assistant inspector-general, the assistant inspector-general commandant at the dépôt, the town inspector at Belfast, a county inspector, a surgeon, the storekeeper and barrack-master, the veterinary surgeon, and a district inspector.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893,  
As introduced.

1886.

## PART II.

REGULATIONS AS TO <sup>1</sup>/<sub>2</sub> GRATUITIES AND PEN-  
SIONS, FOR THE ROYAL IRISH CONSTABU-  
LARY AND DUBLIN METROPOLITAN  
POLICE.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893. As amended.
	<p style="text-align: center;"><i>As to Constables.</i></p> <p>(5) If he is a constable there may be awarded to him a pension equal to one-fiftieth of his annual pay for every completed year of service, with the addition of ten years to his actual years of service.</p> <p style="padding-left: 2em;">Provided that—</p> <p style="padding-left: 4em;">(i) The pension awarded to a constable appointed before the tenth day of August one thousand eight hundred and sixty-six shall not be less than the pension which could have been awarded to him under the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter one hundred, intituled “An Act to regulate the superannuation allowance of the Constabulary Force in Ireland and the Dublin Metropolitan Police,” if he had served as a constable more than thirty years ; and</p> <p style="padding-left: 4em;">(ii) In no case shall the pension exceed the maximum pension, which under the existing law could be awarded to the constable if he had retired for length of service.</p> <p>(6) In the case of a constable the amount of the annual pay shall be ascertained at the date of his retirement, and shall be calculated and his service reckoned in manner provided by the Constabulary and Police (Ireland) Act, 1883, and every year of service from the twenty-first to the twenty-fifth, both inclusive, shall be reckoned as two years.</p> <p>(7) In this schedule the expression “constable” includes the head constable major, a head constable, sergeant, acting sergeant, and constable, in the case of the Royal Irish Constabulary, and includes every member of the Dublin Metropolitan Police not being of higher rank than chief superintendent.</p> <p style="text-align: center;"><i>Miscellaneous.</i></p> <p>(8) If any officer or constable enters with the approval of the Lord Lieutenant any local police force in Ireland, there may be awarded to him a pension at the rate above mentioned for every year of completed service, with the addition to his actual years of service of such number of years not exceeding the number above mentioned as the Lord Lieutenant assigns.</p> <p>(9) The Pensions Commutation Act, 1871, shall apply to persons to whom, on retirement, a pension is awarded under this schedule, in like manner as if they had retired from the permanent civil service of the Crown on the abolition of their offices, and any terminable annuity payable in respect of the commutation of a pension shall be payable out of the same funds as the pension.</p> <p>(10) Where an officer or constable at the time of his retirement would, if he served for</p>



# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.

1893,  
As amended.

a few months more (not exceeding six) complete another year's service, that year shall be reckoned as a completed year of service.

(11) The reserve force of the Royal Irish Constabulary shall for the purposes of this schedule be deemed to be part of that force.

## THIRD SCHEDULE.

### FINANCE.

#### IMPERIAL LIABILITIES, EXPENDITURE, AND MISCELLANEOUS REVENUE.

##### *Liabilities.*

For the purposes of this Act, "Imperial liabilities" consist of—

(1) The funded and unfunded debt of the United Kingdom, inclusive of terminable annuities paid out of the permanent annual charge for the National Debt, and inclusive of the cost of the management of the said funded and unfunded debt, but exclusive of the Local Loans Stock and Guaranteed Land Stock and the cost of the management thereof; and

(2) All other charges on the Consolidated Fund of the United Kingdom for the repayment of borrowed money, or to fulfil a guarantee.

##### *Expenditure.*

For the purpose of this Act Imperial expenditure consists of expenditure for the following services:—

I. Naval and Military Expenditure (including Greenwich Hospital).

II. Civil expenditure, that is to say—

(a) Civil list and Royal family.

(b) Salaries, pensions, allowances, and incidental expenses of—

(i) Lord Lieutenant of Ireland;

(ii) Exchequer judges in Ireland.

(c) Buildings, works, salaries, pensions, printing, stationery, allowances, and incidental expenses of—

(i) Parliament;

(ii) National Debt Commissioners;

(iii) Foreign Office and diplomatic and consular service, including secret service, special services, and telegraph subsidies;

(iv) Colonial Office, including special services and telegraph subsidies;

(v) Privy Council;

(vi) Board of Trade, including the Mercantile Marine Fund, Patent Office, Railway Commission and Wreck Commission, but excluding Bankruptcy;

(vii) Mint;

(viii) Meteorological Council;

(ix) Slave trade service;

(x) Customs;

(xi) Inland Revenue;

(xii) Savings Banks;

(xiii) Friendly Societies;



# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893, As introduced.	1886.

## THIRD SCHEDULE.

### FINANCE.

#### IMPERIAL LIABILITIES, EXPENDITURE, AND MISCELLANEOUS REVENUE.

##### *Liabilities.*

For the purposes of this Act "Imperial Liabilities" consist of:—

(1) The funded and unfunded debt of the United Kingdom, inclusive of terminable annuities paid out of the permanent annual charge for the National Debt, and inclusive of the cost of the management of the said funded and unfunded debt, but exclusive of the Local Loans Stock and Guaranteed Land Stock and the cost of the management thereof; and

(2) All other charges on the Consolidated Fund of the United Kingdom for the repayment of borrowed money, or to fulfil a guarantee.

##### *Expenditure.*

For the purpose of this Act Imperial Expenditure consists of expenditure for the following services:—

I. Naval and military expenditure (including Greenwich Hospital).

II. Civil expenditure, that is to say—

(a) Civil list and Royal family.

(b) Salaries, pensions, allowances, and incidental expenses of—

(i) Lord Lieutenant of Ireland;

(ii) Exchequer judges in Ireland.

(c) Building works, salaries, pensions, printing, stationery, allowances, and incidental expenses of—

(i) Parliament;

(ii) National Debt Commissioners;

(iii) Foreign Office and diplomatic and consular service, including secret service, special services, and telegraph subsidies;

(iv) Colonial Office, including special services and telegraph subsidies;

(v) Privy Council;

(vi) Board of Trade, including the Mercantile Marine Fund, Patent Office, Railway Commission and Wreck Commission, but excluding Bankruptcy;

(vii) Mint;

(viii) Meteorological Society;

(ix) Slave trade service.

(d) Foreign mails and telegraph communication with places outside the United Kingdom.

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
	<p data-bbox="619 254 915 278"><i>Imperial Miscellaneous Revenue.</i></p> <p data-bbox="560 284 975 366">For the purposes of this Act the Imperial miscellaneous revenue, to a portion of which Ireland may claim to be entitled, consists of revenue from the following sources :—</p> <ol data-bbox="581 368 975 642" style="list-style-type: none"> <li>1. Suez Canal Shares or payments on account thereof.</li> <li>2. Loans and advances to foreign countries.</li> <li>3. Annual payments by British possessions.</li> <li>4. Fees, stamps, and extra receipts received by departments, the expenses of which are part of the Imperial Expenditure.</li> <li>5. Small branches of the hereditary revenues of the Crown.</li> <li>6. Foreshores.</li> </ol>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893, As introduced.	1886.
<p style="text-align: center;"><i>Revenue.</i></p> <p>For the purposes of this Act the public revenue, to a portion of which Ireland may claim to be entitled, consists of revenue from the following sources :—</p> <ol style="list-style-type: none"> <li>1. Suez Canal shares or payments on account thereof.</li> <li>2. Loans and advances to foreign countries.</li> <li>3. Annual payments by British possessions.</li> <li>4. Fees, stamps, and extra receipts received by departments, the expenses of which are part of the Imperial expenditure.</li> <li>5. Small branches of the hereditary revenues of the Crown.</li> <li>6. Foreshores.</li> </ol>	
<p style="text-align: center;">FOURTH SCHEDULE.</p> <p style="text-align: center;">—</p> <p style="text-align: center;">PROVISIONS AS TO POST OFFICE.</p> <p>(1) The Postmaster-General shall pay to the Irish Post Office in respect of any foreign mails sent through Ireland, and the Irish Post Office shall pay to the Postmaster-General in respect of any foreign mails sent through Great Britain, such sum as may be agreed upon for the carriage of those mails in Ireland or Great Britain as the case may be.</p> <p>(2) The Irish Post Office shall pay to the Postmaster-General :</p> <ol style="list-style-type: none"> <li>(i) One-half of the expense of the packet service and submarine telegraph lines between Great Britain and Ireland after deducting from that expense the sum fixed by the Postmaster-General as incurred on account of foreign mails or telegraphic communication with a place out of the United Kingdom as the case may be ; and</li> <li>(ii) Five per cent. of the expenses of the conveyance outside the United Kingdom of foreign mails, and of the transmission of telegrams to places outside the United Kingdom : and</li> <li>(iii) Such proportion of the receipts for telegrams to places out of the United Kingdom as is due in respect of the transmission outside the United Kingdom of such telegrams.</li> </ol> <p>(3) The Postmaster-General and the Irish Post Office respectively shall pay to the other of them on account of foreign money orders, of compensation in respect of postal packets, and of any matters not specifically provided for in this Schedule, such sums as may be agreed upon.</p> <p>(4) Of the existing debt incurred in respect of telegraphs, a sum of five hundred and fifty thousand pounds two and three-quarters per cent. Consolidated Stock shall be treated as debt of the Irish Post Office, and for paying the dividends on and redeeming</p>	

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893. As amended.
	<p style="text-align: center;">SIXTH SCHEDULE.</p> <p style="text-align: center;">—</p> <p style="text-align: center;">REGULATIONS AS TO HOUSES OF THE LEGIS- LATURE AND THE MEMBERS THEREOF.</p> <p style="text-align: center;"><i>Legislative Council.</i></p> <p>(1) There shall be a separate register of electors of councillors of the Legislative Council which shall be made, until otherwise provided by Irish Act, in like manner as the parliamentary register of electors.</p> <p>(2) Where, for the election of councillors any counties are combined so as to form one constituency, then until otherwise provided by Irish Act,</p> <p style="padding-left: 2em;">(a) the returning officer for the whole constituency shall be that one of the returning officers for Parliamentary elections for those counties to whom the writ is addressed, and the writ shall be addressed to the returning officer for the constituency with the largest population, according to the census of 1891 ;</p> <p style="padding-left: 2em;">(b) the returning officer shall have the same authority throughout the whole constituency as a returning officer at a Parliamentary election for a county has in the county ;</p> <p style="padding-left: 2em;">(c) the registers of electors of each county shall jointly be the register of electors for the constituency ;</p> <p style="padding-left: 2em;">(d) for the purposes of this Schedule "county" includes a county of a city or town, and this Schedule, and the law relating to the qualification of electors shall apply, as if the county of a city or town formed part of the county at large with which it is combined, and the qualification in the county of a city or town shall be the same as in such county at large.</p> <p>(3) Writs shall be issued for the election of councillors at such time not less than one nor more than three months before the day for</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893. As introduced.	1886.
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such stock; there shall be paid half-yearly by the Irish Exchequer to the Exchequer of the United Kingdom an annuity of *eighteen* thousand pounds for *sixty* years, and such annuity when paid into the Exchequer shall be forthwith paid to the National Debt Commissioners and applied for the reduction of the National Debt.

(5) The Postmaster-General and the Irish Post Office may agree on the facilities to be afforded by the Irish Post Office in Ireland in relation to any matters the administration of which by virtue of this Act remains with the Postmaster-General, and with respect to the use of the Irish telegraphic lines for through lines in connection with submarine telegraphs, or with telegraphic communication with any place out of the United Kingdom.

## SEVENTH SCHEDULE.

### REGULATIONS AS TO HOUSES OF THE LEGISLATURE AND THE MEMBERS THEREOF.

#### *Legislative Council.*

(1) There shall be a separate register of electors of councillors of the Legislative Council which shall be made, until otherwise provided by Irish Act, in like manner as the parliamentary register of electors.

(2) Where, for the election of councillors, any counties are combined so as to form one constituency, then until otherwise provided by Irish Act,

(a) the returning officer for the whole constituency shall be that one of the returning officers for Parliamentary elections for those counties to whom the writ is addressed, and the writ shall be addressed to the returning officer for the constituency with the largest population, according to the census of 1891 ;

(b) the returning officer shall have the same authority throughout the whole constituency as a returning officer to a Parliamentary election for a county has in the county ;

(c) the registers of electors of each county shall jointly be the register of electors for the constituency ;

(d) for the purposes of this Schedule " county " includes a county of a city or town, and this Schedule, and the law relating to the qualification of electors, shall apply, as if the county of a city or town formed part of the county at large with which it is combined, and the qualification in the county of a city or town shall be the same as in such county at large.

(3) Writs shall be issued for the election of councillors at such time not less than one nor more than three months before the day

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893. As amended.
	<p>the periodical retirement of councillors as the Lord Lieutenant in Council may fix.</p> <p>(4) The day for the periodical retirement of councillors shall until otherwise provided by Irish Act be the last day of August in every fourth year.</p> <p>(5) For the purposes of such retirement, the constituencies shall be divided into two equal divisions, and the constituencies in each province shall be divided as nearly as may be equally between those divisions and constituencies returning two or more members shall be treated as two or more constituencies, and placed in both divisions.</p> <p>(6) Subject as aforesaid, the particular constituencies which are to be in each division shall be determined by lot.</p> <p>(7) The said division and lot shall be made and conducted before the appointed day in manner directed by the Lord Lieutenant in Council.</p> <p>(8) The first councillors elected for the constituencies in the first division shall retire on the first day of retirement which occurs after the first meeting of the Irish Legislature, and the first councillors for the constituencies in the second division shall retire on the second day of retirement after that meeting.</p> <p>(9) Any casual vacancy among the councillors shall be filled by a new election, but the councillor filling the vacancy shall retire at the time at which the vacating councillor would have retired.</p> <p style="text-align: center;"><i>Legislative Assembly.</i></p> <p>(10) The Parliamentary register of electors for the time being shall, until otherwise provided by Irish Act, be the register of electors of the Legislative Assembly.</p> <p style="text-align: center;"><i>Transitory.</i></p> <p>(20) The Lord Lieutenant in Council may, before the appointed day, make regulations for the following purposes :—</p> <p>(a) The making of a register of electors of councillors in time for the election of the first councillors, and with that object for the variation of the days relating to registration in the existing election laws, and for prescribing the duties of officers, and for making such adaptations of those laws as appear necessary or proper for duly making a register ;</p> <p>(b) The summoning of the two Houses of the Legislature of Ireland, the issue of writs and any other things appearing to be necessary or proper for the election of members of the two Houses ;</p> <p>(c) The election of a chairman (whether called Speaker, President, or by any other name) of each House, the quorum of each House, the communications between the two Houses, and such adaptation to the proceedings of the two</p>

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893, As introduced.	1886.
for the periodical retirement of councillors as the Lord Lieutenant in Council may fix.	
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(5) For the purposes of such retirement, the constituencies shall be divided into two equal divisions, and the constituencies in each province shall be divided as nearly as may be equally between those divisions, and constituencies returning two or more members shall be treated as two or more constituencies, and placed in both divisions.	
(6) Subject as aforesaid, the particular constituencies which are to be in each division shall be determined by lot.	
(7) The said division and lot shall be made and conducted before the appointed day in manner directed by the Lord Lieutenant in Council.	
(8) The first councillors elected for the constituencies in the first division shall retire on the first day of retirement which occurs after the first meeting of the Irish Legislature, and the first councillors for the constituencies in the second division shall retire on the second day of retirement after that meeting.	
(9) Any casual vacancy among the councillors shall be filled by a new election, but the councillor filling the vacancy shall retire at the time at which the vacating councillor would have retired.	
<i>Legislative Assembly.</i>	
(10) The Parliamentary register of electors for the time being shall, until otherwise provided by Irish Act, be the register of electors of the Legislative Assembly.	
<i>Transitory.</i>	
(20) The Lord Lieutenant in Council may, before the appointed day, make regulations for the following purposes :—	FIFTH SCHEDULE. — TRANSITORY PROVISIONS.
(a) The making of a register of electors of councillors in time for the election of the first councillors, and with that object for the variation of the days relating to registration in the existing election laws, and for prescribing the duties of officers, and for making such adaptations of those laws as appear necessary or proper for duly making a register ;	
(b) The summoning of the two Houses of the Legislature of Ireland, the issue of writs and any other things appearing to be necessary or proper for the election of members of the two Houses ;	
(c) The election of a chairman (whether called Speaker, President, or by any other name) of each House, the quorum of each House, the communications between the two Houses, and such adaptation to the proceedings of the two	

# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1912.	1893, As amended.
	<p>Houses of the procedure of Parliament, as appears expedient for facilitating the conduct of business by those Houses on their first meeting ;</p> <p>(d) The adaptation to the two Houses and the members thereof of any laws and customs relating to the House of Commons or the members thereof ;</p> <p>(e) The deliberation and voting together of the two Houses in cases provided by this Act.</p> <p>(21) The regulations may be altered by Irish Act, and also in so far as they concern the procedure of either House alone, by Standing Orders of that House, but shall, until altered, have effect as if enacted in this Act.</p>



# THE HOME RULE BILL, 1912, COMPARED WITH THE PREVIOUS BILLS.

1893, As introduced.	1886.
<p>Houses of the procedure of Parliament, as appears expedient for facilitating the conduct of the business by those Houses on their first meeting ;</p> <p>(d) The adaptation to the two Houses and the members thereof of any laws and customs relating to the House of Commons or the members thereof ;</p> <p>(e) The deliberation and voting together of the two Houses in cases provided by this Act.</p> <p>(21) The regulations may be altered by Irish Act, and also in so far as they concern the procedure of either House alone, by Standing Orders of that House, but shall, until altered, have effect as if enacted in this Act.</p>	

## Notes.

Notes.

**Notes.**

# THE HOME RULE BILL, 1893.

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THE following pages contain a brief summary of the principal arguments brought forward in connection with the more important amendments moved in Committee and Report.

[NOTE.—*The figures in the margin refer to the lines in the Home Rule Bill as introduced in 1893. The abbreviations at the head of the amendments refer to the clauses (C.) of the same Bill and to the line (L.) of the clause.*]

## COMMITTEE STAGE.

10

### *Legislative Authority.*

1. *On and after the appointed day* there shall be in Ireland a Legislature consisting of Her Majesty the Queen and of two Houses, the Legislative Council and the Legislative Assembly.

That Clause 1 be postponed.

*Mr. J. Chamberlain* : If assented to, he would move postponement of all clauses down to Clause 9, because he did not know what was to become of Legislature of Great Britain. Custom of Governments to lay whole policy before House. Three ways of dealing with Irish representation at Westminster :

(1) Exclusion. (Proposal of 1886 Bill.)

(2) *Omnes omnia*.

(3) Plan proposed in the Bill.

Would Government adhere to plan proposed, or would they change ?

*Mr. Gladstone* : Useless to discuss Irish Representation at Westminster before Clause 1 was passed.—*Rejected*, 270 to 213. May 8th. Cols. 348–361.

Cl. 1, L. 11 : Before “on” insert “Without in any way whatever impairing, restricting, or altering the supreme power and authority of Parliament in all matters, as well local as Imperial, and over all persons in Great Britain and Ireland.”

*Mr. Darling* wished no uncertainty left upon this point. Parnell had demanded unrestricted Parliament, which no one now asked for. Supremacy of Imperial Parliament was provided in Preamble, but to make sure he wished a clause in the Bill also.

*Mr. Gladstone* : Words in Preamble apply to whole Bill ; if words were in Clause 1 they would apply only to Clause 1.

*Mr. Balfour* supported Amendment because he wanted to put matter beyond doubt. He wished to declare distinctly that Imperial Parliament not only has legal right to deal with Irish local affairs and with any person in Ireland, but that the Act contemplates the exercise of that right.—*Rejected*, 285 to 233. May 8th. Col. 361.

Cl. 1, L. 11 : After “Ireland” insert “Subordinate Parliament.”

*Mr. Bartley* said his amendment was to “test the sincerity” of the Government, as to whether they really meant the Imperial Parliament to be supreme.

*Mr. Gladstone* objected to the phrase “test the sincerity” of the Government as overstepping bounds of courtesy. He did not think the word “subordinate” strengthened power of the Imperial Parliament. The word had never been used referring to Parliaments of the Colonies.

Viscount Cranborne said there were three views as to supremacy of Imperial Parliament :

- (1) Dormant supremacy of Mr. Redmond.
- (2) Inalienable supremacy of Mr. Gladstone (no provision necessary).
- (3) Real supremacy of Moderate Gladstone Party.

Mr. Balfour said the only argument they had received against the amendment was one of the Prime Minister's when he said that the word "subordinate" would hurt the susceptibilities of the Irish.—*Rejected*, 292 to 257. May 9th. Cols. 465-493.

*Cl. 1, L. 12* : Leave out "Legislature" and insert "Parliament."

Mr. Redmond said that the Irish were accustomed to the word "Parliament" in their history and that its inclusion would satisfy their widespread sentiment.

Mr. Gladstone said that no Colonies (except Canada) had the word Parliament : and he did not see necessity of changing.—*Rejected*, 466 to 40. May 9th. Cols. 493-526.

*Cl. 1, L. 12* : Leave out "and of two Houses, the Legislative Council."

Mr. Russell said this was to prevent setting up a Second Chamber. A large number of Governments did not believe in a Second Chamber : so he supposed it was to be set up as safeguard of the minority. He wished to know if it was to be a real or sham protection. He thought the Irish Parliament would have a large majority of agrarian members. Second Chamber would be no safeguard.

Mr. Heneage wanted to know who asked for a Second Chamber ? It would be no safeguard to Ulster.

Mr. Gladstone said he was sure an Elective Assembly would be best Second Chamber, but that would be left to the Committee. All Colonies have Second Chamber.

Mr. Plunkett : Second Chamber useless, because the franchise proposed would return the same class of Members to the First as to the Second Chamber. Minority would have worse chance from Second than First probably, because farmers (tenant) would be more numerous in Second and they are under thumb of Priests, and Representatives of Boroughs being more intelligent (in First Chamber) would be more sensible and independent.

Mr. Balfour said that the proper, safe and best Second Chamber was the House of Commons in England, which therefore must be supreme over the Irish Parliament.—*Rejected*, 295 to 244. May 9th and 10th. Cols. 526-539, 550-507.

*Cl. 1, L. 13* : Leave out "the Legislative Council and the Legislative Assembly" and insert "to be styled the Senate and House of Commons of Ireland."

Mr. Redmond said : Strong sentiment in favour of words "House of Commons."

Mr. Morley said Government could not accept Amendment. Canada only of the Colonies uses word "Parliament" because it is at the head of Federation. They had already decided not to use word "Parliament," and for similar reasons rejected present Amendment. *First portion withdrawn and second rejected by 482 to 34.* May 11th. Cols. 554-567.

*Question proposed* : "That Clause 1 stand part of the Bill."

*Cl. 1* : Leave out Clause 1.

Mr. Bartley : Irish Parliament would be rival to the House of Commons, and was first step towards destroying United Empire.

Mr. Hanbury wanted guidance from Solicitor-General as to—

- (1) Was Irish Legislature to be on Colonial model ?
- (2) Who was to represent Ireland in House of Commons and answer questions.

Mr. J. Chamberlain said the Government had promised to have an open mind and give full consideration to Opposition's arguments. Had

they done so on Clause I ? No ! Government had been silent and hardly produced an argument. Points upon which the Opposition still know nothing are :

- (1) If Government hold that, when a great majority of some Nation desires self-rule it should have a subordinate legislature, why should not Ulster have separate legislature from rest of Ireland ? Chief Secretary recognised gravity of situation in Ulster. Ulster would not stand Home Rule. What remedy or proposal had the Government ?
- (2) What about the retention of Irish Members in this House ? The Government evidently want to restrict discussion of each clause and each amendment entirely to matters in each clause or amendment, without slightest regard to their relation to other parts of the Bill. Are Irish Members to be retained for Imperial subjects and not for British subjects ? Are Irish Members (with a Parliament of their own) to come here and discuss British subjects ? If Government would give definite answer it would shorten debate considerably.
- (3) Financial arrangements under this Bill : These have been put at end of Bill, and so we have to pass whole Bill before we can know the cost. I fear the whole financial scheme of the Government has broken down, and yet we are not to know the alternative one until end of Bill. It must be costly to this country in any case.
- (4) What about War Subsidy from Ireland ? We oppose the Bill because we believe that in time of war we could not rely on resources of Ireland as we can at present. Why are we in the dark about this ? Because Irish Members have said they object to a subsidy in time of war.

Things we have heard something about :

- (1) Second Chamber. This Government who are going to get up an agitation against our House of Lords, try and set up a shoddy Irish one. It can be no safeguard to Irish and it has been proved it cannot be effective. Will the Government tell us their effective alternative Second Chamber and what it will be like ?
- (2) Supremacy of Imperial Parliament. Government have promised a real and active supremacy. Do Irish Members agree with that ? Mr. Parnell said " Ireland would admit no English veto as far as her own interests were concerned." Mr. Redmond quoted Mr. Parnell's words as his own opinion.

*Mr. Gladstone* : Mr. Chamberlain evidently wishes to waste time, so that this Bill cannot be passed in this Session. I have made an explanation of all the points he argues about and he should be in the dark about none of them.

*Solicitor-General (Sir John Rigby)* : If this Bill becomes law as it stands, the English Parliament legally must be supreme, and no extra clause is necessary to make it so ; but if some consciences need quieting, some broad clause recognising the superiority of Imperial Parliament will be considered by Government if proposed at beginning or end of the Bill.

*Mr. Balfour* : If we pass this clause, we pass the principle of the measure. The indefensible authority of this Parliament rests, as has been proved, upon Statute ; and what Statute has made, Statute can destroy. Procedure of Prime Minister on two points :

- (1) Retention of Irish Members. On this question the rest of the clauses hang, and what the decision of the Government is on this point decides whether certain modifications may or may not be necessary on nearly every other clause. But Prime Minister will not tell us his policy.
- (2) Declarations of Irish Parties as to supremacy of Imperial Parliament. Many quotations were given by Mr. Chamberlain proving that till a recent date Irish Members did not think the supremacy of the Imperial Parliament would be necessary. The Prime Minister did not answer this nor did the Irish Members. Have they changed or have they not ?

—Clause passed, 399 to 267. May 11th and 12th. Cols. 567-728 and 791-831.

2. With the exceptions and subject to the restrictions in this Act mentioned, there shall be granted to the Irish Legislature 15 power to make laws for the peace, order, and good government of Ireland in respect of matters exclusively relating to Ireland or some part thereof.

*Cl. 2, Ll. 14 and 15* : Leave out all words from commencement of clause to the word "there" in Line 15.

*Mr. Cavendish* : This amendment would raise the principle upon which the powers to be conferred on the Irish Legislature should be given. There were two methods in 1886 Bill advocated by the Prime Minister. These were :

- (1) Endowment of Legislative Body with special and specific powers.
- (2) Endowment of Legislative Body with general powers with special exceptions.

*Mr. Chamberlain* : A most important amendment. Which of the two alternatives are we to make use of ? Precedent, in the case of Canada and the United States, points to No. 1 ; which is the more natural. Should not the Government state what it is going to give the Irish Members, instead of leaving it in doubt and giving them more perhaps than they ask for and more than we wish to give. Also this way is the only way of letting the Committee and the country know exactly what we are doing. If No. 2 is used, there are bound to be questions which will be overlooked, which the Imperial Parliament nevertheless would wish to have in its own hands, viz. : (a) Marriage and Divorce. Does Government intend Irish Parliament to deal with civil marriages ? Also (b) Factory Legislation. We in England have imposed obligations on manufacturers in interest of workers ; if Irish may relieve manufacturers, they would be in better competitive condition than the English ones. (c) Also Navigation : this is excluded from Irish Parliament ; but what does Navigation mean ? Is merchant shipping included in the term ? Can English shipowners who object to our regulations transfer to Ireland to escape them ? It is granted that this Bill is in the nature of an experiment. Surely, No. 1, with powers to add more hereafter, is better than No. 2, from which scheme it would be very hard to take anything away.

*Mr. Gladstone* : The amendment seems to widen the powers of the Irish Parliament rather than curtail them. The Government look on this Bill as having two sides, and they divide the subjects of Government as between Ireland and Great Britain into two classes :

- (1) Those which are of common Imperial interest.
- (2) Those of local or domestic interest to Ireland.

If we pass this amendment and subsequent ones, will Mr. Chamberlain accept the Bill ? No ! Then why should we, especially when we think our proposal best. We will hand over the marriage law to Irish Parliament, because already they have a different one from us ; also factory legislation, because if Irish suffer, they will suffer at hands of people they have chosen to govern them. The question of principle is involved. Ireland desires restoration of power of dealing with her local concerns.

*Mr. Matthews* : It may be said there is a difference in marriage laws between England and Scotland : is that any reason for setting up a third code. The same with criminal law. The only way to preserve practical control is to part wholly with subjects with which you do not wish to interfere, and to reserve subjects with which you do wish to interfere.

*Mr. Haldane* said plans of our other Colonies entirely supported the Government plan in Ireland and that Mr. Chamberlain was wrong in stating the contrary. Colonies had Legislatures with powers to make laws, for the peace, order, and good government of the country.

*Mr. Russell* said he could not understand Mr. Haldane. Canada was a perfect analogy to this amendment. What about Sections 91 and 92 of British North America Act. In these sections the work and subjects of Provincial Legislatures were set out and enumerated. If they went beyond them the Supreme Courts of Canada declared them unconstitutional. —*Rejected*, 275-228. May 12th and 15th. Cols. 831-835 and 931-965.



*Cl. 2, L. 14* : Leave out "and subject to the restrictions."

Mr. Bartley said he wished to remove two classes of restrictions from Bill :

- (1) Religion.
- (2) Morality.

It was well known that Ireland was ruled by priests, and would go on being ruled by priests. But the Government trusted Ireland so little that it inserted restrictions in Bill saying "Thou shalt not kill" and "Thou shalt not steal." If Irish Members remained in English Parliament, how long would these restrictions last ?

Mr. Gladstone said the amendment (first of its kind from Opposition) was attempt to enlarge scope of the Bill. The Government's clause was an attempt to narrow the scope : and all the restrictions were inserted by consent of Irish Members.

Mr. Ross : These safeguards are merely shams, and are no protection to minority, and are adopted merely for protection of the Government at next election, when the blame of the Bill falls on them.

Mr. Balfour said the Bill was full of illusory safeguards, but that this amendment did away with some safeguards which were better in the Bill, and so he thought the amendment would be better withdrawn.

Mr. Bartley : By leave, withdraw amendment.—May 15th. Cols. 965-972.

*L. 2, L. 15* : After "mentioned" insert "and subject to the assent of Parliament, as hereinafter provided."

Mr. Bousfield said this was one of a series to maintain supremacy of Imperial Parliament. He wished all Bills passed in the two Irish Houses, to be of necessity passed by the two English Houses, before they became law. Therefore he wished 40 days to elapse after Bill passed in Ireland to give English Parliament time to debate it.

The Chairman informed Mr. Bousfield that by moving this amendment he would prevent several amendments on Clause 5 being moved at all.

Mr. Bousfield therefore did not move his amendment.—May 15th. Cols. 972-981.

*Cl. 2, L. 15* : Leave out "granted" and insert "delegated."

Commander Bethell : The question of supremacy again. Government had promised to consider a clause or amendment dealing with supremacy, and he hoped they would accept this one. More restricted powers evidently were to be given to Irish Parliament than to Colonies, and the Opposition would go on discussing supremacy until some concession was made.

Mr. Morley said putting "delegated" instead of "granted" did not appear to him to make more sure the supremacy of the Imperial Parliament.

Mr. Goschen said "granted" meant "given, possibly without the power of taking away again" ; "delegated" meant "confiding only temporarily."—*Rejected*, 251 to 186. May 15th. Cols. 981-987.

*Cl. 2, L. 16* : Leave out words "peace, order, and good government," and insert "making, maintaining, and improving of railways, tramways, canals, waterworks, reservoirs, gas and lighting works, fisheries, and all other things which are the subject-matter of Bills, known in either House of Parliament as local Bills, and also for the confirmation of Provisional Orders in."

Mr. Cross said : In the matter of Local Government Bills, he admitted Ireland had a grievance, because Imperial Parliament had proved itself unable to deal efficiently with these matters.

Mr. Gladstone : The amendment is ludicrous. We have determined to set up a Legislature with two Houses, and are they merely to be allowed to deal with the matters mentioned in this amendment ?

Mr. Chamberlain deprecated the lack of courtesy accorded to Mr. Cross in his maiden speech. The powers to be given were the difficulty. The powers in this amendment were not ludicrous, when it was remembered that they were to be over a population of four to five millions. This House had been occupied for many weeks with L.C.C. and its powers: was that ludicrous?

Mr. Balfour said he had nothing to add to Mr. Chamberlain's remarks; but the words "peace, order, and good government" seemed the ludicrous part of the clause and not the amendment, when one considered the men who were to maintain peace, preserve order, and supply good government.

Sir F. Milner: This amendment exactly fitted the declarations of hon. members opposite at General Election—*i.e.*, that Home Rule for Ireland meant giving to Irish people some privileges of Local Government which had been given to English people.—*Rejected, 296 to 251.* May 15th. Cols. 988-1005.

*Cl. 2, L. 18*: At the end of the clause, add the words "but it shall be lawful for Her Majesty, upon the Address of both Houses of the Imperial Parliament, to diminish or restrain the whole or any part of the powers herein granted to the Irish Legislature."

Mr. Brodrick said: This amendment was to obtain power for the Imperial Parliament of restraining the undue exercise of the powers granted to the Irish Legislature. In this Bill, Government reserved Land Question for three years. If Bill passed the Land Question would have to be settled by 1897, if it was not a Bill would have to be brought in to extend the time. Would not an address by both Houses to the Crown limiting the time to three, five, or seven years be better and also a saving of time. If Bill passed this House would not want to be still bothered with Irish affairs.

Mr. Gladstone: No need for amendment, because Executive action of Irish Legislature would be restrained by the Viceroy. The amendment really aims at all the powers bestowed by this Bill being capable of being revoked by an address from both Houses. This is quite impossible of concession by Government. The House of Commons can procure the dismissal of a Viceroy, if he is in the wrong. "Mr. Brodrick said that Irish Members had had no practice in governing and therefore were not fit to do so." He had had no experience of their inability: in fact, several of them, for instance, had grasped the Land Bill of 1881 and mastered it more thoroughly than Englishmen.

Mr. Balfour said he quite agreed that the Irish Nationalists had no want of capacity, but this was not a question of capacity. It is a question of the control of the Executive by the Viceroy (*i.e.*, as the Prime Minister says, the Imperial Parliament), but he denied that the Viceroy could do this, because by the Bill he was given no power. Therefore, he wanted in some stage of the Bill machinery to restrain any errors the Executive might make. As to the Legislature it was admitted that it might make mistakes: but whether an address from both Houses or a special Bill were necessary, it was impossible to say until they were informed as to Clause 9, *i.e.*, as to whether the Irish Members would be retained in the Imperial Parliament or not. If they were, the Address might be necessary, owing to their opposition to a Bill. If they were not, a Bill would probably cause little trouble to pass and the Address would be unnecessary.—*Rejected, 393 to 247.* May 16th. Cols. 1056-1080.

*Cl. 2, L. 18*: Add the words "Provided that in the making of such laws, and in all matters pertaining to the carrying out of the powers conferred by this Act, both Houses shall, except as in this Act provided, have equal rights, powers and privileges."

Sir H. James said: Without some words like this amendment the Second Chamber in Ireland would probably become useless. Was the First Chamber, with a Nationalist majority, to allot the powers to the Second Chamber, which was supposed to be a safeguard to the Unionist minority? The Nationalists would be careful to give very few, if any, powers.

Mr. Carson : By the 8th Section it says that a Bill passed by the First and rejected by Second Chamber, is to be debated by both Houses sitting together ; by this the First Chamber is the originating Chamber, but it does not go on to say that the Second Chamber may do the same, therefore the First Chamber is the only originating Chamber.

Mr. Gladstone said he agreed that Second Chamber should have equal originating powers to the First Chamber, but he thought the amendment would be better in Clause 32, where he would accept it.

Sir H. James by leave, withdrew his amendment.—May 16th. Cols. 1080-1088.

*Cl. 2, L. 18* : At the end of the clause, add " The question, whenever it arises, whether any law passed by the Irish Legislature does or does not relate exclusively to Ireland, shall be determined by Parliament in manner hereinafter provided."

Mr. Kimber said : Appeal to Privy Council was costly. He wanted some simple machinery by which any Party could appeal to this Parliament for its opinion on any Act of the Irish Legislature.

Mr. Gladstone could not agree. The Privy Council was the machinery always in subaltern Legislatures, India, Colonies, &c., when the Legislatures came into conflict with Parliament (*ultra vires*).

Mr. Balfour agreed with Mr. Gladstone, as according to Party in power in Parliament at the time, so decisions would be different.

Sir H. James, by leave, withdrew his amendment.—May 16th. Cols. 1088-1092.

*Cl. 2, L. 18* : At the end of the clause, add " Provided that, notwithstanding anything in this Act contained, the supreme power and authority of the Parliament of the United Kingdom of Great Britain and Ireland shall remain unaffected and undiminished over all persons, matters and things within the Queen's dominions."

Sir H. James said he wanted the supremacy of Imperial Parliament made certain and put into the Bill in some such way as he suggested. Otherwise Irish Members may say later " Imperial Parliament was asked to add words making its supremacy supreme, but refused to do so."

Mr. Gladstone said supremacy in the Bill already was provided for and certain, but if several members wish the re-assertion of this supremacy he was willing to meet them. The question was as to the terms in which it was to be re-asserted, and whether by Preamble, proviso, or by clause. He would prefer the amendment to be brought up again by Sir H. James in the form of a clause, as that would be more binding on the whole Bill. This supremacy was a "Hallowed thing."

Mr. Balfour did not mind if it was a "Hallowed thing" ; he wanted a "practical thing." The amendment will have two results :

- (1) It will make it clear that the Irish Legislature derives its descent in no way from Grattan's Parliament.
- (2) It will show that, far from Irish affairs having passed beyond the control of Imperial Parliament, it will be the business of Imperial Parliament to control, and if need be, to manage them.

He did not want the supremacy of the Imperial Parliament to be the same over Ireland, as over Canada and the Colonies, but the same over Ireland as over Kent or Suffolk.

Mr. Redmond said : The supremacy of the Imperial Parliament was inalienable. Unionists seemed to mean by supremacy the right of Imperial Parliament to control and revise, day after day, every detail of Irish affairs ; making, in fact, the Imperial Parliament a sort of Court of Appeal. That was not his idea. His idea was that Irish Legislature was to be allowed to manage her own affairs, free from meddlesome interference of House of Commons, subject to one condition, *i.e.*, that the Imperial Parliament could interfere to stop any act of oppression or injustice.

Mr. Gladstone said now that Sir H. James had refused to ask leave to withdraw his amendment, he (Mr. Gladstone) was practically forced to accept it, according to his promise. But he accepted it only on the condition that it was not considered by the Government as the first of a series intended to foreshadow the limitation of the powers of the Irish Legislature. Any further amendments with that intention would not be considered by the Government.—*Amendment accepted.* May 16th. Cols. 1092–1129.

*Cl. 2, L. 18:* At the end of clause, as amended, add “Provided that no such laws be repugnant to the law of Great Britain and Ireland.”

Mr. Lawson said the amendment was to provide that the Irish Legislature be in the same position as Colonial Legislature. The words came out of the 1852 Act of New Zealand. The amendment was not covered by Clause 33, which said “Acts not repugnant to Imperial Parliament to be valid.” His amendment was *vice versa*.

Mr. Gladstone said this was provided for in Clause 33, and therefore he could not accept the amendment.—*Rejected, 265 to 215.* May 16th. Cols. 1130–1135.

*Cl. 2: Question put:* “That Clause 2, as amended, stand part of the Bill.”

Mr. Bartley said this clause was the first step towards Irish independence: it granted the Irish the right of making laws for the peace, order, and good government of Ireland. Judging by Irish Members’ speeches, there would be little peace when they came into power.

Sir E. Ashmead-Bartlett said he opposed the clause on, first, sentimental grounds. How could the Irish govern for the peace, order, and good management of Ireland? The Government had wasted four days—30 hours of debate—before they agreed to accept the amendment making the Imperial Parliament supreme. Mr. Gladstone had given the electors to think that Ireland would have the same powers as the Colonies: now he denied that. He had given the Irish Members to think that Irish Parliament would have the same power as the Colonies: now he added, “with restrictions,” but would not say what the restrictions were. Canada, in 50 years, had wiped out all the restrictions placed upon her. Would Ireland be able to do the same? The loss of a Colony would not be a fatal blow, but the setting up of a hostile, armed power in Ireland might deal a deadly blow at the liberty and commerce of this country.

Mr. H. H. Fowler said no Liberal Member, to his knowledge, supported during the elections an Irish Home Rule Measure of the gas and water type. They all upheld a Bill giving Ireland effective autonomy. Under Clause 4 there is ample protection for personal liberty and for rights of property for the minority in Ireland. The House of Commons cannot be a Court of Appeal from Ireland. But if the Irish Parliament should attempt to deprive anyone of their rights as English Citizens, then Imperial Parliament would exercise its rights by means of three modes of procedure:

- (1) Procedure of Reservation and Prohibition.
- (2) By the Veto: exercised by the Crown on the advice of the English Cabinet.
- (3) Last and rarest resort—*i.e.*, Repeal by Imperial Parliament of any Irish Law.

Therefore supremacy of Imperial Parliament is assured.—*Clause passed, 287 to 225.* May 17th. Cols. 1163–1197.

3. The Irish Legislature shall not have power to make laws in respect of the following matters or any of them:— 20.

- (1) The Crown, or the succession to the Crown, or a Regency; or the Lord Lieutenant as representative of the Crown; or
- (2) The making of peace or war or matters arising from a state of war; or

- (3) Naval or military forces, or the defence of the realm ; or
- (4) Treaties and other relations with foreign States or the relations between different parts of Her Majesty's dominions or offences connected with such treaties or relations ; or
- 5 (5) Dignities or titles of honour ; or
- (6) Treason, treason-felony, alienage, or naturalization ; or
- (7) Trade with any place out of Ireland ; or quarantine, or navigation (except as respects inland waters and local health or harbour regulations) ; or
- 10 (8) Beacons, lighthouses, or sea marks (except so far as they can consistently with any general Act of Parliament be constructed or maintained by a local harbour authority) ; or
- (9) Coinage ; legal tender ; or the standard of weights and measures ; or
- 15 (10) Trade marks, merchandise marks, copyright, or patent rights.

Any law made in contravention of this section shall be void.

*Cl. 3 :* That Clause 3 be postponed.

*Capt. Naylor-Leyland* wished to postpone Clauses 3 and 4 until after Clause 8. After passing Clauses 1 and 2, it was in sequence now to define the Legislature they had granted. Surely they should define the composition of the Legislature, before they considered the restrictions to be placed upon its powers.

*Mr. Gladstone :* You must first consider the powers and afterwards the composition, because the powers are regulated by country's wants, and composition ought to be according to the powers, and the whole by reference to the wants of the countries.

*Viscount Cranborne* said : How could they discuss Clauses 3 and 4 without knowing anything about the finance of the Bill or the retention of Irish Members in Imperial Parliament. The different questions arising out of these two clauses depended entirely for their answers on the retention of Irish Members.

*Mr. Foster* complained that no Member of the Government would answer their arguments. Were they unanswerable ? Anyhow, the country would think so, if no answers were forthcoming.—*Rejected, 273 to 240.* May 17th and 30th. Cols. 1205–1210 and 1558–1566.

*Cl. 3, L. 19 :* After “ to ” insert “ discuss or pass resolutions or to.”

*Viscount Wolmer* said : Mr. Gladstone had previously and frequently intimated that the Irish Legislature should not have “ cognisance ” of certain matters, and should be precluded from doing “ any act ” in relation to them. Surely this meant more than what the Bill said, *i.e.*, that Irish Legislature should not have power to make laws in respect of certain things. Instances :

- (1) Regency.—Suppose Imperial Parliament held certain views about Regency or the Regent, and at critical moment Irish Legislature passed a resolution expressing entirely different views : surely a difficult position would arise.
- (2) Lord Lieutenant was to be Queen's Representative and Minister of Imperial Parliament in Ireland. He could veto Acts of Irish Parliament. He could order payments from Irish Exchequer to the English. Suppose he had to carry out views of Imperial Parliament contrary to wishes of Irish Government ? He would have difficulty. The Home Secretary said officers of Irish Executive Government would support him. Would they, if the Irish Parliament passed a resolution condemning the Lord Lieutenant's action ?
- (3) Peace and war.—A pleasant position for the Imperial Parliament if, in the middle of a critical war, the Irish Government passed a resolution condemning the war or sympathising with the enemy.

- (4) Volunteers.—Why should Irish Government at a critical time not pass a resolution calling on volunteers to band together and help them to gain greater independence (in a case resembling No. 3).
- (5) Treaties.—As the Bill stood, Ireland might send an envoy to a foreign power. The envoy might propose a policy different to the policy of Imperial Parliament, and so use it as a lever to wring further concessions from us. What a position for the Imperial Foreign Secretary if delicate diplomatic negotiations were proceeding. Why should not an envoy to the United States, where there was a large Irish vote, play battledore and shuttlecock almost with American parties to try and gain concessions for Ireland.
- (6) Treason charges.—What position would arise if Irish Parliament passed resolutions of condemnation upon every conviction of an Irishman for treason. Where would Officers of Justice and Ministers of Imperial Parliament be?
- (7) Commerce.—Irish opinion was notoriously in favour of Protection. What would happen if Irish Legislature passed resolutions in favour of Protection with a foreign power, while English Minister was negotiating a Free Trade policy with the same Power.

*Mr. Gladstone* admitted the amendment was important; but would rather have it discussed without Party feeling. His words “cognisance” and “do not act” referred entirely to legislative action. Otherwise he would have felt in duty bound to tell everyone and, especially Irish Members, that there would be some subjects they must keep quiet about. Irish Parliament could not send an envoy abroad, because money would have to be found for him by Act of Parliament, which would be vetoed. Is it wise to make prohibitions, which we have no means of enforcing, as in this case. Is it desirable to stop a Legislature (say the Irish one) from petitioning the Crown or Parliament upon any subjects excepted from its competency?

*Viscount Wolmer* interjected that he thought some of the Irish Members were to be retained in Imperial Parliament for that purpose.

*Mr. Gladstone*: You cannot “petition” without discussion. If you stop petitioning, in Ireland you would find the Municipal Corporation able to petition about everything and the Legislative Assembly about nothing.

*Mr. Balfour* said *Mr. Gladstone* was once a Member of the Government who sent *Mr. Errington* to Rome as an envoy, and an envoy who was not paid out of the votes of the House. This was the only argument of *Viscount Wolmer* which *Mr. Gladstone* attempted to meet. *Mr. Gladstone* has just admitted that the contract between Ireland and Britain really is worthless, because it cannot be enforced. This amendment will not do everything, but it will help. *Mr. Gladstone* compares Irish Legislature and the precedent in New South Wales. There is no comparison. There is no list of prohibitions in Colonial as in Irish Legislature. As to petitioning, he would like to know definitely first as to the retention of Irish Members in Imperial Parliament.

*Mr. Gladstone* interjected that he hoped to pass Clause 9 as it was.

*Mr. Balfour* thanked him, but after that he did not see what need the Irish Legislature had of petitioning when they had members in Imperial Parliament.

*Mr. Dunbar Barton* said he did not see the resemblance between “resolution” and “petition.” Every member of Irish Legislature could petition, or all could sign one. The amendment meant that Irish Legislature should not indulge in impotent discussions on subjects which had been taken away from them. Grattan’s Parliament had disagreed with Imperial Parliament over Regency, and by resolutions had invested Regent with powers different from those granted by Imperial Parliament, and thereby caused Imperial Parliament great trouble and difficulty.

*Mr. Freeman-Milford* said he could understand a friendly power of Great Britain refusing to receive an envoy, without credentials from Ireland; but he could also understand an unfriendly power welcoming the envoy with open arms. No Act of Irish Legislature would be needed to provide money: that was always forthcoming when needed to harm England.

Mr. J. Chamberlain wondered how many members (Liberal) there were who had pledged themselves to limit Irish Legislature to Irish affairs and not allow it to touch Imperial affairs. Now they were going to allow it to meddle by means of resolutions: *i.e.*, to refuse it the front door, but receive it at the side door. It is probable that Irish Parliament will take a different view of Foreign Policy to ours: why should they not? Suppose we went to war with France, would not Ireland pass resolutions in opposition to our foreign policy? It would be most reasonable, considering their 700 years of having "iron in their souls."—*Rejected*, 259 to 238. May 30th. Cols. 1569–1617.

*Cl. 3, L. 19*: After the word "laws" insert "or to entertain or grant Votes in Supply, except on the recommendation of the Crown, signified by a Minister of the Imperial Government."

Viscount Wolmer: The Committee must recollect that the Prime Minister had stated that by "cognisance" he meant "legislative cognisance" only. The amendment would be important in three cases especially:

- (1) Naval and Military Forces.—The amendment would prevent Votes in Supply being granted to any Volunteer Force in Ireland.
- (2) Envoys of Foreign States.—The amendment would prevent Votes in Supply being granted to envoys, even though not accredited.
- (3) Question of Bounties.—The amendment would prevent the Legislature from granting Bounties on Irish produce, exported to foreign ports.

As to No. 3 the Prime Minister would say this was provided for as the Legislature could not grant Votes in Supply, not included in Appropriation Act. Assuming this Act would cover this point, yet he thought Committee required more light on this safeguard. Would the Comptroller and Auditor-General (Section 31) (who is official to be appointed to revise annual accounts) be a Nationalist Irish Auditor or an Imperial Auditor safeguarding Imperial expenses?

(a) Would Irish like an Imperial Auditor?

(b) Would Nationalist Auditor have any restraint whatever over illicit supplies granted by Nationalist Legislature?

Mr. Gladstone said the amendment was in its wrong place. Why introduce a Money Amendment into a Legislative Clause? Viscount Wolmer's contention that there should be no issue of public money for the purposes excluded from Legislature, is, in Mr. Gladstone's opinion, provided for. But to make it more plain he is willing to add some words in the right place, *i.e.*, Section 10, Sub-section 4. The power of exception given to a Minister of the Crown, if given at all, must be given most carefully and moderately.

Mr. Balfour: The Royal Order in this country is the expression of the will of the Executive Government. If it is to be so in Ireland, there will be no check on the Irish Executive, as the only check is the Order of the Lord Lieutenant, and he will be acting on the advice of Irish Executive. Could not a British Minister (independent of Irish Legislature) control issues of money from Irish Treasury, instead of Irish Paymaster-General, who would be absolutely dependent on Irish Legislature.

Mr. Gladstone said the Viceroy would have a dual personality:

(1) Imperial Officer.—For guarding against infractions of the prohibitions in the Bill.

(2) Irish Officer.—His relations to Irish Legislature being for Irish purposes, not excluded by this Act.

—*Rejected*, 240 to 188. May 31st. Cols. 1641–1662.

*Cl. 3, L. 21*: After the first "Crown" insert "or the prerogatives or other executive power of the Crown."

Mr. G. Balfour wished to know if his object was already attained in the Bill, as he did not wish to lose time.

Sir J. Rigby said the "prerogatives" part was attained, but the "Executive power" part was not, as that was a very wide suggestion and

involved many small and unimportant duties of the Sheriff even. The words "Executive power" was far too wide.—*Amendment, by leave, withdrawn.* May 31st. Cols. 1664–1666.

*Cl. 3, L. 22* : Leave out "Lord Lieutenant as."

*General Goldsworthy* said he did not see why Ireland should have a Lord Lieutenant. It would be detrimental to Irish interests. Much of the discontent in Ireland arose from their not having Local Government as the rest of the United Kingdom had. They also wanted more of Royalty. The presence of Royalty in Ireland and some member of it, instead of the Lord Lieutenant, would do much to consolidate the country.

*Mr. Gladstone* welcomed the speech, and sympathised and partly agreed with the amendment. The Viceroy had been apt to be a Party man, but under Home Rule he thought that would be done away with, as Colonial Governors were never Party men. Anyhow, they could not part with the Viceroy, although it had been desired before. A Secretary of State residing in London would be under huge disadvantages. But he agreed that it would be beneficial and possible to have a Royal Viceroy.

*Mr. Balfour* : How many Executive functions are now carried out by Viceroy? Everyone knows that the tendency is almost entirely to put more and more Executive power into hands of one who is Secretary of State in everything but name; while Viceroy has ceremonial functions. Now, under Home Rule, the Viceroy is to be both Executive and ceremonial. That system must break down; and besides that the Viceroy will become ten times more partisan than before. Better to have two people—one representing Royalty and the other this very hard dual Executive office.

*Mr. J. Morley* said it was better to discuss this question and also the question of who, in the Imperial Parliament, was to be responsible for what goes on in Ireland, under Clause 5.—*Rejected, 265 to 219.* May 31st. Cols. 1666–1682.

*Cl. 3, L. 22* : After "or" insert "Which may affect the authority of Parliament or any part of the unwritten laws or Constitution of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom or the sovereignty or dominion of the Crown, within the same, or."

*Sir A. Seale* said : The Bill enumerated certain things which were withdrawn from the cognisance of Irish Legislature, and so they must be very careful not to leave out things, which should be in the list of forbidden topics. Also he wished some direct statement of allegiance to the Sovereign.

*Sir J. Rigby* said all this was provided for. The words of the amendment suited India better and were in the Indian Council Act of 1861. It applied to the particular position of Native Princes and their subjects. Anyone born under the Crown must bear allegiance all life to the Crown, without oath or anything.—*Rejected, 276 to 237.* May 31st. Cols. 1682–1688.

*Cl. 3, L. 22* : After "Crown" insert "or the altering of their own name or style."

*Mr. Parker Smith* said his object was to stop the Legislature in Ireland from promptly passing a Bill calling themselves a "Parliament," as was done in the case of Victoria.

*Mr. Gladstone* said the amendment was in the wrong place and also the provision was already made. The Irish Legislature could not alter this Bill, except in virtue of express power granted for the purpose.—*Rejected, 278 to 234.* May 31st. Cols. 1688–1690.



Cl. 3, L. 24: After "of war" insert "Provided always that nothing in this section shall prevent the passing of any Irish Act whenever such Act may be necessary to provide for the proportionate contribution of Ireland to Imperial liabilities arising from a state of war or exceptional preparation for war."

*Mr. Gladstone* asked to be allowed to say a word first. He thought Ireland ought to be free to raise any liability as they liked, and also Ireland ought not to be disabled from raising money. The amendment was one dealing with one thing only. He proposed to substitute the following to be inserted at the end of the clause: "Provided always that nothing in this section shall prevent the passing of any Irish Act for discharging any liabilities imposed by Act of Parliament."—*Amendment withdrawn.* June 1st. Cols. 1811-1815.

Cl. 3, L. 24: After "war" insert "the regulation of the conduct of any portion of Her Majesty's subjects during the existence of hostilities between Foreign States with which Her Majesty is at peace, in respect of such hostilities, or."

—*Amendment agreed to.* June 1st. Cols. 1815-1820.

Cl. 3, L. 1: Leave out "Naval or military forces" and insert "navy, army, militia, volunteers, and any other military forces."

—*Amendment agreed to.* June 1st. Cols. 1820-1821.

Cl. 3, L. 1: After "forces" insert "or any police force other than a local police force required for local purposes and acting under the orders of a local authority."

*Mr. Gladstone*: The police question belongs entirely to Irish affairs and should be entirely under Local Government. To have a good police force one needs the power of transmission of a body of men from one district to another. A town ordinarily needs a certain number of police, but in some special circumstances must have more. You surely would not keep all towns' police force always at its maximum height. We do not want a central authority. Surely you would not deprive the Viceroy (who is responsible for the peace of the country) of the power of moving police from one district to another.

*Mr. Wyndham*: The Royal Irish Constabulary had never had anything but good said of it. This Bill contemplated the substitution of purely local forces, gradually. But the Royal Irish Constabulary was so good that probably they would continue in several places. If so the Viceroy, as regards this force, would act as the representative of the Crown and therefore this amendment should be agreed to. But if the Irish Legislature did get rid of the Royal Irish Constabulary, what was to be placed in its stead? The Prime Minister intimated that the amendment hinted at the Irish Legislature creating a secret force to subdue Ulster. If he (Mr. Wyndham) were a Member of the Irish Legislature he would refuse office unless he could have such a force. A central force was necessary to keep order. Who should have control over it? Surely the Imperial Parliament. Some such force under Imperial Parliament's supremacy, was necessary to preserve the Imperial Parliament's supremacy and to protect the loyalists of Ulster from oppression.

*Mr. Balfour* said he believed in a central police force. They would never have had a localised police force in England if it were not for the law-abiding instinct of Britishers. The difference between Ulster and the rest of Ireland will always make a local force difficult to use. A central police force, under Irish Legislature, would be used to oppress Ulster. The proper force would be a loyal force under the County Authorities, over which the Irish Legislature would have no more power than the Home Secretary has over the police of Aberdeenshire.

*Mr. Morley* said Mr. Balfour had overlooked two facts :

- (1) That Government do not mean to place the police force under the central Authority (Clause 30).
- (2) That Clause 30 indicates that no officer or man be appointed to either of these forces : and that the Irish Legislature cannot start a new force because of the amendment the Government have just accepted.

*Mr. J. Chamberlain* asked the Prime Minister if he could point to any clause to prevent the Irish Legislature from creating, under the name of a central civil force, a force which will have a military organisation ?

*Mr. Gladstone* said there was sufficient provision in the clause to render that illegal. Also the Irish Constabulary is created by an Act, and any similar force must be created by an Act, and the Viceroy will examine every Act.

*Mr. Chamberlain* said it might require an Appropriation Act to pay expenses, but he did not think an Act would be necessary for the constitution of the force.

*Mr. Gladstone* said at a future stage of the Bill, the Government would reconsider the sub-section just passed, and would bring up words to meet the scruples of the Opposition.—*Question put and negatived* (by request of Mr. Gladstone). June 1st. Cols. 1821-1845.

*Cl. 3, L. 1* : After “ realm ” insert “ or forts, permanent military camps, magazines, arsenals, dockyards, and other needful buildings, or any places purchased for the erection thereof.”

*Mr. Parker-Smith* said : The amendment is derived from the Constitution of the United States : Section 8 of the First Article of the Constitution.

*Mr. Gladstone* said this was provided for.

*Mr. Morley* said the words did not alter the section, but they would accept them.—June 1st. Cols. 1845-1847.

*Cl. 3, L. 1* : After “ or ” insert “ carrying and using arms, armed associations, and associations for drill or practice in the use of arms, or.”

*Mr. Byrne* said the general law of the United Kingdom, embodied in the Statute of Northampton, as regards carrying arms, had not been found sufficient for Ireland, where they had had to pass the Peace Preservation Act and the Crimes Act. Why should not the Irish Legislature repeal these Acts ?

*Sir J. Rigby* said the amendment was too vague, as it might even include sporting licences. An amendment the Government might consider would be to prevent the using or carrying of arms for military purposes.

*Mr. Balfour* said the Imperial Parliament ought to have control over the whole subjects connected with the use of arms, as they had had for so long, and which they had used wisely.

*Mr. Sexton* said how could the Irish Legislature keep the peace, order, and good government of Ireland secure, when they had no control of arms with which to quell disturbances.

*Mr. Gladstone* said he agreed with Mr. Sexton. Dangers and disturbances arose quickly, and it would waste time if the Imperial Parliament had alone the power of quelling them. He could not accept the amendment, but they would accept some form of words, such as had been suggested by Sir J. Rigby.—*Rejected*, 283 to 245. June 1st and 2nd. Cols. 1847-1848 and 54-77.

*Cl. 3, L. 1* : After “ or ” insert “ the manufacture or sale or purchase of arms and munitions of war or of explosive substances.”

*Col. Lockwood* said he was afraid the South of Ireland might prohibit the sale of ammunition and arms in the North and also their importation into the North, and that would lead to bloodshed.

*Sir J. Rigby* said this was an insult to the Irish Legislature. They were to control purely Irish affairs and the manufacture and sale of arms in Ireland was purely Irish. The amendment would restrict Irish trade.

*Mr. Carson* said *Sir J. Rigby* had forgotten the Peace Preservation Act of 1881, which he supposed would be re-enacted as usual. This Act prevented the manufacture and sale of arms. The amendment put no restriction on manufacture because they had always had this restriction.

*Mr. Harcourt* said if Irish Legislature tried to deal with the Explosives Act or any similar Act, in a way that was dangerous, in the opinion of Imperial Parliament, then the Imperial Parliament would veto it. Therefore the Government could not accept the amendment.—*Rejected*, 294 to 251. June 2nd. Cols. 77-91.

Cl. 3, L. 1 : After “ or ” insert “ the privileges and liberties of such portions of Her Majesty’s armed forces as may, for the time being, be stationed in Ireland, or.”

*Mr. Brodrick* said this was with regard to the private privileges and liberties of Imperial soldiers in Ireland. They came under the Army Act; but they also came under the Riot Act. The forces in Ireland might be used in three ways:

- (1) By the Lord Lieutenant in the exercise of his executive function, at his own instance.
- (2) By the Lord Lieutenant, at the instance of the Irish Legislature.
- (3) By the Lord Lieutenant, at the instance of Imperial Parliament.

Suppose the Irish Legislature declared the Riot Act inoperative unless put into force by the Irish Legislature itself: what would happen to soldiers? They would be deprived of protection afforded by Riot Act, if being used against Irish Legislature. Soldiers might be boycotted, as they had been before. They might be forbidden public houses.

*Sir W. Harcourt* said the Opposition always assumed the Irish Legislature would lack common sense and would be a monster of folly. As usual, he would answer that if the Irish Legislature did commit acts of folly, the Viceroy was there to veto them.—*Rejected*, 289 to 249. June 2nd. Cols. 91-97.

Cl. 3, L. 1 : After “ or ” insert “ The ancient jurisdiction, powers and duties which do belong or appertain to the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland as *custos maris* or guardians of creeks, harbours and coasts of the sea, and upon fresh waters, ports, navigable rivers, or creeks whatsoever, or any places covered with water within flux and reflux of the sea at full tide, as also wrecks of the sea, divers droits, rights, duties, privileges which have been by express words or otherwise, heretofore granted to the Lord High Admiral.”

*Admiral Field* briefly stated the history of the office of Lord High Admiral, and went on to say that by this Bill the Admiralty and Imperial Parliament would have no power to make laws affecting the ports and harbours of Ireland. He thought the Board of Admiralty should have the same power over Irish harbours as over English ones.

*Sir W. Harcourt* said there would be no interference with the Admiralty under this Bill. The Admiralty belonged to the Crown, and doing so could not be touched by the Irish Legislature.—*Rejected*, 297 to 260. June 5th. Cols. 224-230.

Cl. 3, L. 2 : Omit Sub-section 4.

*Mr. Hobhouse* thought this section about Foreign Countries and Ireland one of the most important possible. He wanted it made quite clear in this sub-section that Ireland was debarred from sending any representatives to foreign courts and from appointing any separate consuls: otherwise they would be sure to wish soon to have a representative at Rome and another in United States. The case of consulates, and how acute the question of them could become, was illustrated recently in Norway and Sweden, after they had got each Home Rule.

*Mr. Bryce* thought the wording clear enough, and he considered the sub-section debarred Ireland dealing in any way with Foreign States.

*Sir R. Temple*, after several members had declared the section badly worded, said he would suggest a new form of words, namely, "all treaties and all other relations."

*Sir J. Rigby* admitted that the words might be improved. If the amendment were withdrawn the Government would substitute for "and other" the words "or any."—*Amendment negatived.* June 5th. Cols. 230-238.

Cl. 3, L. 4 : After "offences" insert "or procedure."

*Sir H. James* said he wished, by this, to prevent the Irish Legislature from stopping our treaties from being carried out. He meant Extradition Treaties especially. If Irish Legislature passed a law forbidding Irish criminals from being extradited, we should be prevented from fulfilling our Treaties with Foreign States.

*Sir J. Rigby* said he understood, and would meet the amendment with a rather different form of words : He would substitute "or procedure connected with the extradition of criminals under any treaty."—*Amendment withdrawn.* June 5th. Cols. 238-239.

Cl. 3, L. 4 : At end of foregoing amendment, to insert as a new sub-section the words "The status, condition or rights of any person not domiciled in Ireland, or."

*Mr. Tomlinson* said that, if the Bill passed, it would evidently, in part, make Englishmen foreigners in Ireland and *vice versa*. This might interfere with their business. Therefore he wished to limit the relations of the Irish Legislature with individuals to those only who were domiciled in Ireland.

*Mr. Gladstone* : The Irish Legislature cannot touch the status of any person out of Ireland. If a foreigner holds Irish securities, is he to be exempt from Irish legislation which touches other holders of the same securities ?

*Mr. Matthews* wished to know what would happen if the Irish Legislature enacted a law by which no man domiciled in England could own land in Ireland ?

*Mr. Gladstone* said that was one of the wild and extravagant schemes which cropped up in the brains of members opposite. It would be suicidal on the part of the Irish Legislature.

*Mr. Courtney* said New Zealand had passed laws to establish taxation which was to discriminate between persons domiciled there and British subjects living at home. Why should not the Irish Legislature do the same ?

*Mr. Gladstone* said the Irish Legislature might think residence in the country the social and moral duty of the landlord, and might impose a penalty on those who own much land, but never settle there or even go there.

*Mr. Balfour* said if a landlord domiciled in England was to be treated exceptionally, the Imperial Parliament should do it. These landlords would be first driven out of their estates by outrage and then taxed for not being there. Also offices might be withheld from Englishmen. He himself knew the patronage made use of in Ireland and understood how it could become worse.—*Rejected, 214 to 25.* June 5th. Cols. 240-249.

Cl. 3, L. 4 : After "or" insert "offences committed on the high seas ; or."

*Mr. Yerburgh* said these words were in the 1886 Bill. The Irish Legislature had powers over the Courts, and serious difficulties might arise in the case of vessels. Suppose a revenue cutter boarded a smuggler on Irish Coast, and some smugglers were killed, under whose jurisdiction would the smuggler come ? The Irish, he supposed, and they would claim to try it.

*Mr. J. Morley* said the amendment was absurd. The high seas were not local Irish affairs, but Imperial Parliament affairs.

*Mr. Carson* : If the words "peace, order, and good government" refer only to matters happening in Ireland, why, then I could understand. But then why put in a proviso dealing with Foreign States (Section 3) ? If the Irish Legislature have power of process over the parties who commit offences on the high seas, then surely it must also have power to legislate as regards that process.

*Mr. J. Morley* would not alter his opinion or accept the amendment.—*Rejected, 225 to 162. June 5th. Cols. 249-258.*

*Cl. 3, L. 5* : After "honour" insert "except such as relate exclusively to and are distinctively styled Irish dignities or titles."

*Mr. Bartley* said he did not see why Irish Legislature should not recommend honours of an Irish nature. If the amendment was not accepted, it would lead to an agitation by the Irish Members in Imperial Parliament sooner or later.—*Amendment negatived. June 5th. Cols. 258-260.*

*Cl. 3, L. 5* : After "or" insert as new sub-section "Appointment of judges or magistrates."

*Mr. G. Balfour* : The Solicitor-General had said the "Crown" included "Prerogatives of the Crown." What prerogatives ? He had found that nearly all subjects withheld in this Clause 3 from Irish Legislature were prerogatives of the Crown. He thought the Irish Legislature should be deprived of the right of appointing judges and magistrates for the present. His amendment did not aim at depriving the Irish Legislature of this altogether, but it aimed at leaving the decision of how they were to be appointed to the Imperial Parliament. In all Constitutions in America, Canada, and Australia, the appointment of judges had been fixed by the Constitution.

*Mr. Gladstone* said they had retained the right of appointing judges for six years after this Bill came into force. After that he thought the Irish Government should do it themselves. Also the number of judges in Ireland is very extravagant, and this amendment would prevent the Irish Legislature from decreasing the number.

*Mr. Balfour* did not think the amendment prevented the Irish from changing the number of judges ; but to please the Government he suggested altering the words.

Revised amendment : After "or" insert "the mode of appointment of judges and magistrates."

*Mr. J. Chamberlain* said there seemed to be a little difference of opinion on this. Even if the Irish Legislature could not limit the number of judges, that would surely be equally well managed by the Imperial Parliament. All the Colonies were in favour of this amendment, *i.e.*, their Constitution backed it up.

*Mr. Bryce* said this was not the time to consider this ; and therefore they could not accept the amendment.

*Sir H. James* said it was a question of legislation : so it was odd to say this was the wrong place.—*Rejected, 291 to 255. June 5th. Cols. 260-286.*

*Cl. 3, L. 6* : After "treason-felony" insert "criminal conspiracy and combination."

*Mr. Butler* said this question of combination was very serious, as it had been practised in Ireland considerably in matters dealing with agriculture. He did not say there should be no change made in the law, but if there was a change it should be made by the Imperial Parliament. By his amendment the administration of the law would belong to two Exchequer Judges, appointed by Imperial Parliament. And a glance

at the leaders of the Irish Legislature in future would show that they were not unacquainted with the Law of Conspiracy, and, in fact, knew too much about it. He had grave fears for the loyal minority in Ireland if the Nationalists could change the law of conspiracy and combination.

*Mr. J. Morley* said nobody could devise a surer way of creating friction between England and Ireland than by granting Imperial Parliament the power of legislating on this most difficult point. This amendment would also prohibit the Irish Legislature from repressing conspiracy.

*Mr. Balfour* said the whole political and agrarian controversy in Ireland for many years had been carried on by means of illegal conspiracies, authorised by the gentlemen the Government intend to make supreme in Ireland. Will there not be even more friction when the Lord Lieutenant vetoes the Bill of the Irish Legislature dealing, say, with the Plan of Campaign, than there will be if the Irish Legislature is forbidden to legislate about this at all? Even if Irish Members change on getting Home Rule, and try and finish conspiracies, they will be unable to, owing to their old speeches and former constituents.

*Mr. Gladstone* said the Law of Conspiracy was entirely an Irish question, and should not be withheld from the Irish Legislature. If it was withheld it would lead to a revival of debates on Irish affairs in Imperial Parliament when Ireland had a Legislature of its own in which those affairs ought to be discussed.—*Rejected, 317 to 276. June 6th. Cols. 334-354.*

(*l. 3, L. 6* : After "treason-felony" insert "sedition.")

*Sir H. James* : The offences of treason and treason-felony cannot be offences against the Irish Legislature without also being offences against the Crown and Empire. Surely sedition is in the same class? If not, and if the Government refuse the amendment, you will give the Irish Legislature the power of saying that sedition is no crime.

*Sir J. Rigby* said sedition might be important if against the Crown or Central Government; but it might also be unimportant if against the peace, order, and good government of the country. It was so sweeping a word that its reservation would embarrass legislation against unlawful assemblies, &c.

*Sir H. James* said he disagreed. Sedition and seditious libel is not an offence against the person or against the Government or the Irish people. It is an offence against the State; whether it is small or large in degree.

*Mr. Asquith* said if the amendment was rejected the Imperial Parliament will have precisely the same power, as they had formerly, of dealing with seditious against the Central Government. That was not the question. The question was "Are you going to deprive the Irish Legislature of the power of dealing with seditious against Irish Government?"

*Mr. Carson* said that the Irish Legislature derived its functions from Imperial Parliament, and therefore sedition against the Irish Legislature was sedition against the Imperial Parliament, and as such should be governed by the Imperial Parliament. The Solicitor-General said sedition was closely allied to treason-felony. He was right. They were so closely allied that they would be sometimes indistinguishable crimes, and yet with different procedure for trying. Who was to say which crime it was? —*Rejected, 304 to 255. June 6th. Cols. 354-361.*

(*l. 3, L. 6* : After "treason-felony" insert "intimidation and unlawful assembly.")

*Mr. Stuart Wortley* said this amendment was allied to "treason-felony," but he did not expect it would receive much respect, as usual, from the Government. Intimidation had, before now, driven England's wealth from Ireland, without which Ireland could not flourish, and he expected it to do so to a greater degree under Home Rule.

*Mr. Morley* said they had refused to withdraw the previous word "sedition" and now they were asked to withdraw words concerning lesser offences. This was ridiculous. It would deprive Irish Legislature of the power of keeping order in the streets of Dublin and Belfast.

*Mr. Balfour* said Mr. Morley's argument was that having already committed a great blunder, it was illogical not to commit a smaller one. He was doubtful if this was the smaller one. He thought "intimidation" was the means by which these unlawful conspiracies had been carried into effect in Ireland. Are not these unlawful assemblies in harmony with the public opinion of the district? Have the Irish Representatives in Imperial Parliament ever denounced their action? If Mr. Morley's answer to these two questions is in the affirmative, how can he leave to the Irish Legislature and to Irish public opinion the power of manufacturing laws concerning these unlawful assemblies? He said he could prove all these questions true in fact over and over again; and also that these assemblies are for purposes of intimidation. To give the power to the Irish Legislature of making these laws was an outrageous neglect of their duty to the Irish loyal minority.—*Rejected, 242 to 192.* June 6th. Col. 361.

*Cl. 3, L. 6:* At end, add "Repeal or amendment of The Explosives Substances Act, 1883."

*Mr. Stuart Wortley* said the Government would say this had been dealt with previously, but it covered more than the previous amendment.

*Sir W. Harcourt* said this amendment was ridiculous. The Explosives Substances Act punishes people who manufacture explosives for murderous purposes. Is the Irish Parliament likely to repeal that?

*Mr. Balfour* said the opinion on dynamite outrages was different in Ireland to what it was in England. Irish Members urge the release of the dynamite prisoners. They act as the prisoners' mouthpiece and the prisoners think dynamite outrages the patriotic outrages of patriotic men, a widespread feeling in Ireland.—*Negative.* June 6th. Col. 365.

*Cl. 3, L. 6:* After "treason-felony" insert "procedure in criminal matters."

*Mr. Dunbar-Barton* said his amendment was to ensure that the English code of Criminal Law and Procedure, which was recognised as the best in the world, should hold in Ireland and not be liable to alteration. Unless the amendment was accepted, the Irish Legislature could change any points which might affect the liberty of the people. That would be the safest way the Nationalist majority could hurt the loyal minority. In the British North America Act the local Legislatures had civil procedure, but not criminal procedure; and the case of this in the United States was stronger.

*Sir J. Rigby* did not think our code of criminal procedure perfect. It was very far from that. If Irish Legislature can alter substance matter in criminal law, it follows that subsidiary questions of procedure also belong to it. Mr. Barton's precedents were bad; Canada's Dominion Parliament had control over criminal cases and not Imperial Parliament. In the United States the Federal Government has nothing to do with the procedure. In California the Sovereign State does take certain matters of procedure away; but they may alter the exceptional procedure any time by Constitutional amendments. Anyhow, the Federal Government cannot alter the procedure, only the State may.

*Mr. Carson* said the Government had excluded treason, foreign enlistment and coinage, &c., from Irish Legislature, but was Irish Legislature to have full power over the procedure with regard to these matters? Take the matter of coinage: this was excluded from the Irish Legislature, yet could it regulate the procedure in relation to offences against the coinage? Could Irish Legislature do away with the indictment before a grand jury? Could Irish Legislature do away with the legal warrant necessary for *habeas corpus* cases and so do away practically with the writ of *habeas corpus*? How are English warrants in Ireland and Irish warrants in England to be enforced? The Inspector-General, who at present backs the warrant, is to be abolished. What was to be substituted? If nothing, then you would have no Imperial officer to intervene between processes issued by magistrates, who were under Irish Legislature, and the arrest of the person in this country.

*Sir J. Rigby* said the Foreign Enlistments Act has been covered before. The Government had excluded treason, treason-felony, &c.,

from the Irish Legislature, and by so doing had excluded any change of procedure as well with regard to these matters. The Queen in Council can make adaptation to Ireland (Clause 36) of any matters in dispute, which would apply to warrants issued in England or Ireland. Also order made in England for execution in Ireland does not concern Ireland exclusively, and Ireland could have no sort of jurisdiction. Even if you did deprive Irish Legislature of the right of criminal procedure, it would still have civil action and right to levy damages.

*Sir H. James* said everything that occurs outside Ireland is prohibited to be dealt with by this Act. Why? Because you do not trust the Irish Legislature. But also you will not trust the Irish Judicature. You appoint two English judges to do the trying. What is the use of that if their procedure is to be controlled by the Irish Legislature? It will make justice a farce. The Solicitor-General says "The Irish Legislature are prohibited from dealing with treason, &c." But are they? The Bill does not prevent the Irish Legislature from dealing with the case itself; *i.e.*, it might enact that a man condemned to death be admitted to bail.

*Mr. Asquith*: This third clause does not exclude certain matters from the Irish Legislature because we do not trust it, but because these matters have not got exclusively to do with peace, order, and good government of Irish affairs. If you give a Legislature power to make a substantive law, necessarily you give it the power of regulating the procedure by which the law is to be carried out: and *vice versa*, if you do not give the substantive law, you also withdraw the power of regulating the procedure. If there is any doubt of this, Clause 19 provides for it.

*Mr. Goschen* said it was strange that in all amendments accepted or inserted, or points granted in debate, the balance was granted to the Irish against the British public, and no points in the favour of the British were accepted. The Government says it is insulting to the Irish people not to allow them command over their criminal procedure, and yet the Government prohibits them from dealing with education, with the education of their own children.—*Rejected, 293 to 253. June 6th. Col. 371.*

*Cl. 3, L. 6*: At end, add "The execution and carrying out in Ireland of warrants for arrest in criminal process issued in Great Britain, and the execution and carrying out in Great Britain of warrants for arrest in criminal process issued in Ireland."

*Mr. Carson* said this had already been discussed on previous amendment, but as the Solicitor-General and the Home Secretary seemed to hold different views, he had introduced it again to find out for certain.—*Rejected, 282 to 246. June 6th. Col. 398.*

*Cl. 3, L. 6*: After "alienage" insert "the immigration and expulsion of aliens, the right of aliens resident in Ireland."

*Mr. Brodrick* said that in 1892 the United States Government had refused to admit certain Irish immigrants, because they were paupers. And they actually turned back men with money. Suppose that occurred in future, Ireland might prohibit American immigrants from Irish land and so rouse ill-feeling between America and Great Britain. Ireland might do the same with other foreign countries and give offence to all European nations. The same with aliens. Could Ireland expel all aliens and so compromise our relations with foreign countries? Immigration is not a matter strictly domestic. The status of aliens should be withheld, in case it embroiled England in trouble.

*Mr. J. Morley* said the Government considered the question covered by Section 5, Clause 3, but in case of doubt would accept the amendment with slight change.—*Amendment withdrawn. June 6th and 7th. Col. 400.*

*Cl. 3, L. 6*: Amendment substituted for above: After word "alienage" insert "aliens."

*Mr. J. Morley* moved the amendment in accordance with agreement with Mr. Brodrick.



*Mr. Healy* said "alienage" was sufficient without "aliens." By accepting these small amendments the Government were allowing the Opposition to say that they were amending the defects in the Bill.

*Mr. Clancy* wished to know if the insertion of "aliens" prevented the Irish Legislature from legislating about aliens at all; for example, was the Irish Legislature prevented from enfranchising aliens, if they wished to?

*Mr. Sexton* said by introducing "aliens" you introduced into a clause dealing with subjects for the first time words dealing with people. This clause so far prohibited subjects only and ought not to be enlarged to include persons. He thought the matter should be postponed for deliberation.

*Mr. Healy* wished to ask the Solicitor-General a question. Suppose a number of foreign aliens in poverty landed in Dublin and flooded the workhouses and poorhouses; would the Irish Legislature have no power over them? No power to deport them?

*Sir J. Rigby* said any general law, of course, would affect aliens as much as the rest of the community; but the Irish Legislature could not pass laws dealing exclusively with aliens. Foreign countries treat our subjects as we treat theirs, but if Ireland treated some foreign country's subjects differently to the way England treated them, we would at once have friction.

*Mr. J. Louth* sympathised with *Mr. Healy's* question to the Solicitor-General as regards the flooding of Dublin and Cork with aliens. He recognised that to grant the Irish Legislature the right to legislate concerning aliens would be replete with danger. But he thought the wisest course would be for the Government to at once see that laws were framed applicable to the United Kingdom to remedy this injustice to Cork and other places.

*Sir H. James* said that there seemed to be a difference of opinion in regard to what the introduction of the word "aliens" would prevent the Irish Legislature from doing and what it would not prevent it from doing. Some said the introduction of the word would prevent the Irish Legislature from enfranchising aliens, while some said it would not prevent that, but would prevent the Irish Legislature from legislating with regard to aliens in any way that might interfere with the foreign relations of the country.—*Carried*, 328 to 139. June 7th. Col. 407.

*Cl. 3. L. 6*: After "aliens" insert "as such."

*Mr. Sexton* said he introduced this amendment simply to clear up the meaning of the amendment which they had just passed about which considerable difference of opinion existed. Personally he knew that he himself and the Irish Members never even thought or wished to enfranchise aliens when they got Home Rule.

*Sir J. Rigby* said the acceptance of the words "as such," would not alter the section one jot. If it be enacted that the Irish Legislature is not to legislate for "aliens as such," it means that it may not legislate in regard to their rights and disabilities by virtue of their capacity and position as aliens. An alien must be subject to the laws of the country in which he resides; and while in Ireland, the Irish Legislature can deal with him in any capacity other than that of alien.—*Agreed to*. June 7th. Col. 426.

*Cl. 3. L. 6*: After "naturalisation" insert "or the taking of the Oath of Allegiance."

*Mr. Lawson* said this was no reflection on the loyalty of Irish Members; but there would be successors to the present Members, some of them men whose allegiance to the Crown was not always true. The Lord Lieutenant and public officials in Ireland took the oath of allegiance, and he would like it enacted in the Bill, as in the 1886 Bill, that all in Ireland, as in England, should publicly take the solemn oath of allegiance.

*Mr. Morley* said there was one great objection which prevented the Government from accepting the amendment. *Mr. Lawson* wishes officers in Ireland to take the oath of allegiance, and yet by his amendment he prohibits the Irish Legislature from making these office-holders take this oath, and he leaves it to the Imperial Parliament to see that the oath is taken, which is exclusively an Irish affair.

*Mr. Balfour* asked if the Irish Legislature was to be allowed to put an end to the custom of judges and magistrates taking the oath? It should be enacted, as by this amendment, that the Irish Legislature could not interfere with this.—*Rejected*, 282 to 242. June 7th. Col. 437.

*Cl. 3, L. 7*: Leave out "Trade with any place out of Ireland; or quarantine, or."

*Mr. Courtney* said this was a different kind of amendment; i.e., one to enlarge the powers of the Irish Legislature, instead of one to diminish them. All former grants of Home Rule to Colonies had included customs duties and trade and commerce legislation. The Irish claim is that Imperial Legislation has destroyed their manufactures and yet you deny them the right of looking after themselves. They claim that Protection would revive their industries. But you deny them the right of having it. You seat them down to a more or less hard and fast amount of expenditure which they will have to meet, and yet you deprive them of the right of changing, and perhaps bettering, the means by which they have to meet this expenditure.

*Mr. Gladstone* recognised the importance of the amendment, and also the fact that Irish trade was greatly a matter of domestic Irish affairs. Even if he took the advice of the mover of the amendment he would not grant it, because *Mr. Courtney* said "Grant this to Ireland, because they want it and ought naturally to have it, but if you do grant it, it will be a bad thing for them." The United Kingdom constitutes one vast whole as one vast trade circle, and it is therefore impossible from the injurious effects which would follow to split it up.

*Mr. Chamberlain* said he was glad to hear the Prime Minister admit the doctrine that, whilst the right of Ireland to do what *Mr. Courtney* proposed she should be empowered to do might be considered as an abstract right to injure herself, that abstract right did not include any right whatever to injure anybody else. If Home Rule is granted to Ireland, the granting of the power to deal with external trade later is inevitable.—*Rejected*. June 7th. Col. 444.

*Cl. 3, L. 7*: Leave out "with any place out of Ireland" and insert "bounties to promote Irish industries."

*Mr. Bartley* said they had done away with Protection in Ireland by the last amendment; but evidently "bounties" were left to the Irish Legislature's control. Prominent Nationalists, including *Mr. Parnell*, favoured bounties. But if bounties were granted in Ireland, the effect would be to protect Irish industries, and besides that to protect them against the interests of the United Kingdom. The 1886 Bill provided against bounties, by including the word "trade" alone in the list of restrictions. It was said the Irish Legislature would not have enough money to be able to grant bounties; but they could impose larger taxation, probably in such a way as to make the rich loyal part of Ulster pay bounties to the poor disloyal part; possibly to an excessive extent. England was going to give Ireland £500,000 a year: i.e., the British working man was to be taxed, and the money would be used in Ireland to give bounties to industries, so that they could hurt and destroy the trades of the working man of Britain. And if the bounties did not interfere with Britain, they would interfere with Ulster. Does the Government intend Ireland to have bounties or not?

*Mr. Gladstone* said *Mr. Bartley* evidently did not sympathise with the movement to compel Public Departments to accept English tenders in preference to Irish and foreign ones. The Government could not accept the amendment, because by withdrawing from Ireland the power to legislate in regard to external trade, the Government had prevented Ireland from paying bounties, a bounty being a grant made upon an exported commodity. But do the supporters of the amendment wish to prevent Ireland from giving pecuniary encouragement to particular trades in Ireland? If so, what about the 1891 Land Act, passed by the Conservative Government to give money to help agriculture, forestry, breeding of live stock and poultry, &c.

*Mr. Balfour* said by the 1891 Act, fishermen and others did compete with British industries, as 99 per cent. of the fish caught in Ireland (by the industry helped by the Congested Districts Board) was for English

consumption. But it was a very different thing for the Imperial Parliament, with the funds of the British working man and by his consent, to help the poorer people in Ireland to an Irish Parliament without the consent, but with the funds of the British working man, giving bounties to a trade in Ireland which competes with a trade in England.

*Mr. Wolff* said it was strange that Ulster industries had flourished so much without bounties: but he ventured to suggest that industries in other parts of Ireland, even though nursed and fed by bounties, would not flourish in the same way, because he did not think the Celtic part of Ireland understood mechanics, industry or trade.—*Rejected*, 288 to 252. June 8th. Col. 544.

Cl. 3, L. 7: After "Ireland" insert "or merchant shipping."

*Mr. Bousfield* said he understood the Government to say that they meant to exempt "merchant shipping" from the Irish Legislature. Did they imply that this was already done by the words in the Bill? If so, he was afraid he could not agree, and he would like the words introduced.

*Sir J. Rigby* said he thought the word "navigation" covered this point, for how could navigation carry on without ships?

*Mr. Chamberlain* said "navigation" meant the taking of a ship from one place to another, and could not cover the "merchant seamen," the registration of ships, &c.—*Amendment withdrawn*. June 8th. Col. 564.

Cl. 3, L. 7: After "Ireland" insert "including merchant shipping."

*Sir J. Rigby* proposed. Question put and agreed to. June 8th. Col. 572.

Cl. 3, L. 8: After "navigation" insert "harbour regulations."

*Sir T. Lea* said the 1886 Bill included "harbour regulations" among its restrictions, and he would like it to be inserted here. He did not think the Irish Legislature should control harbour dues or deal with Harbour Boards. It would be very serious for Belfast if the Irish Legislature raised the harbour dues, because Belfast imported all its iron and material for shipbuilding, all its manufacturing coal, and two-thirds of its raw spinning material.

*Mr. Morley* said the Commissioners of Irish Lights in harbours and places like Kingstown Harbour, would remain under the Board of Trade, as before. There would be certain Local Harbour Boards, about which there might be legislation as time goes on, but the legislation will be towards improving industry, otherwise it will not pass. If the harbour dues in Ireland were raised to interfere with British ships, that would be outside the sphere of the Irish Legislature, and therefore illegal. But if the harbour authority raised the dues to meet expenses in harbour administration, it would be legal.—*Rejected*, 259 to 214. June 8th. Col. 572.

Cl. 3, L. 8: Leave out "inland waters."

*Mr. Macartney* said this had caused trouble in the United States. He supposed it included bays, estuaries, and every type of river.

*Sir J. Rigby* apologised for not being clear. With "inland waters" were included bays, estuaries, &c. Everything above bridges is inland water, though the river be connected with the sea.—*Withdrawn*. June 8th. Col. 584.

Cl. 3, L. 9: After "or" insert "prize or booty of war, or offences committed on the high seas, or . . ."

*Commander Bethell* said this was at present under the jurisdiction of the Admiralty Court. He did not wish to interfere with that; but he wished to prevent the Irish Legislature from varying the law which the Admiralty Court now exercised.

*Sir J. Rigby* said this was not an Irish affair, and therefore could not be touched by the Irish Legislature.—*Negatived.* June 8th. Col. 537.

*Cl. 3, L. 10* : Leave out Sub-section (8).

*Mr. Bartley* thought this section would lead to a lot of friction, and so wished it left out.

*Mr. Morley* said the authority in Ireland is the Commissioner of Lights, who is under the Board of Trade. This section is to leave power to Irish Legislature to entrust local harbour authorities with the power of putting up lighthouses, subject to supervision of Board of Trade, so that nothing can be done without the Board of Trade.

*Mr. Healy* wished to abolish the Irish Lights Board, who were useless, and substitute a proper Imperial Department, under the Board of Trade.—*Amendment withdrawn.* June 8th. Col. 539.

*Cl. 3, L. 10* : For “beacons, lighthouses, or sea marks” insert “lighthouses, buoys, or beacons within the meaning of the Merchant Shipping Act, 1854.”

*Mr. Morley* said this was merely to bring the section into agreement with the Merchant Shipping Act.—*Inserted.* June 8th. Col. 597.

*Cl. 3, L. 12* : After “or” to insert a new sub-section : “Factories, workshops, and mines, or the regulation of the hours of labour of men, women and children in factories, workshops, and mines.”

*Mr. Whiteley* wanted to safeguard the Irish people who worked in factories and mines in the enjoyment of the benefits of existing legislation, so that the Irish Legislature could not interfere with these benefits, and by so doing make the condition of the Irish factory lands different to that of the English.

*Mr. Gladstone* said the amendment was impossible. Members seemed to fear that by legislation the Irish Legislature might provide a new and formidable competition to British manufacturers. This was ridiculous, as British manufacturers were too deeply rooted to be disturbed. Besides, the amendment would touch many purely domestic affairs. The amendment would touch such things as the sanitary laws; surely that was a matter for the Irish Legislature.

*Sir J. Gorst* said he agreed that the Irish Legislature should have power over most of these domestic details, but he objected to them having power of legislation over factories, &c., because he expected industrial legislation would soon become international. He referred to the 1891 Conference at Berlin. If they had similar future conferences, one delegate from England would represent England and Ireland, as Ireland was forbidden to have a delegate (Sub-section 5). So that Ireland would be able to legislate about industry, but could not be represented at industrial conferences, and therefore probably Ireland would legislate contrarily to the findings of the conference, and, anyway, would refuse to legislate in any way to give effect to any stipulation the Imperial representative might make.

*Col. Bridgeman* wished to know if the Prime Minister would accept the amendment without the word “workshops,” and so as to find out, he moved that the word be left out.

*Mr. J. Morley* said he could not accept the amendment to the amendment, and so it was withdrawn.

*Mr. Chamberlain* said it was admitted that if the Irish Legislature abandoned the eight-hour day and instituted a ten-hour day, it would set up serious competition to British eight-hour day industries. However, the Government said that the people in Ireland would not return Members who wished to interfere with the eight-hour day, and also that the Legislature would not be so foolish as to pass laws to that effect. Why should it be foolish? Do Germany and France follow our lead with an eight-hour day? No! And yet do we call them foolish for not doing so. Then *Mr. Mather* said that the majority in the Irish Legislature will be

representatives of the working class, and therefore they would not allow this. That is not true. The majority must be small tenant farmers, than whom one can find no one who knows less of industrial concerns.—*Rejected*, 298 to 268. June 8th and 9th. Col. 598.

*Cl. 3, L. 13*: Leave out “legal tender” and insert “currency.”

*Sir J. Lubbock* said it was very necessary that Great Britain and Ireland should have the same currency. Unless strictly forbidden, it would be possible and very tempting for the Irish Legislature to issue notes, which would not be “legal tender.” It had been done in many countries with disaster to the countries: *i.e.*, Peru, China, Russia, Austria, &c.

*Sir W. Harcourt* said under the Bill the Irish Legislature were prevented from making their notes legal tender. Without that prohibition he agreed it would be very dangerous. But as it is, if we give Ireland a Legislature we ought to allow her to select the currency she desires. If she wishes £1 notes (as at present) or £2 notes, why should she not have them?

*Mr. Goschen* said that was not the most important point. Should an inexperienced Government have the power to issue bank notes and change the privileges the Irish banks enjoy at present? The Chancellor (*Sir W. Harcourt*) says the people need not accept the notes; but the people are accustomed to £1 notes and would accept them readily, especially so if they have confidence in the Legislature. Also the Legislature might want a quarter of a million. By the Bill they could issue a quarter of a million £1 notes without any reserve of gold. Therefore, if the Government refuse the amendment, anyhow we should restrict the Irish Legislature from issuing notes without being represented by gold.

*Sir W. Harcourt* said the amendment went too far in depriving Ireland of all control over currency; but if the amendment were not pressed, as a compromise, and without depriving the Legislature of all control, he would undertake to consider some safeguards to be introduced hereafter, safeguards against the Legislature interfering with the banks and against it issuing notes without security.—*Amendment withdrawn*. June 9th. Col. 678.

*Cl. 3, L. 13*: After “legal tender” insert “banks, bills of exchange.”

*Sir J. Lubbock*: Various countries have tried to raise loans by granting privileges to a bank, a plan injudicious and often disastrous. Is Ireland to be allowed to do this? The Irish banks are prosperous. Why interfere with them? Their paid-up capital had deteriorated £1,500,000 in 12 months: *i.e.*, since the Home Rule Bill was talked of. The deterioration would increase unless safeguards were adopted, and unless the banks were confident of being left alone. Bills of exchange is a subject of great importance. The Bill of 1882 settled this question so satisfactorily that there have been few serious cases since. That Bill gave us uniformity of law in the United Kingdom, and this amendment would keep that uniformity, which is admitted by most to be beneficial all round.

*Mr. Gladstone* said this point was inseparable from other legislation, including commercial legislation, and so he could not accept it. He was very averse to the method of the Opposition in trying to deprive the Irish Legislature of all real power of legislation. One thing he granted, however, was that foreign bills of exchange, including those drawn on England, could not be touched by the Irish Legislature. England had nothing to be proud of in her laws on this matter, and he saw no reason why Ireland should not look after her banks and bills better than England had done.

*Mr. Goschen* said he would like the Prime Minister to consult the shareholders in Irish banks as to whether they would prefer to be left as at present or be governed by the gentlemen who manage the *Freeman's Journal* Company. Bills drawn in Ireland on England would be Imperial, but bills drawn in England on Ireland would be local. So Ireland would be a foreign country in that respect.

*Sir H. James* said bills drawn in Ireland on Ireland should be dealt with by the Irish Legislature; but if a bill was drawn in London on Cork would that be dealt with by the Irish Legislature?

*Sir W. Harcourt* said trade was excepted in the Bill. This case would come under trade, and so be outside the Irish Legislature.

*Sir H. James* said bills were trade, but only sometimes. If a bill was given for an old debt, was that trade? They should include bills under trade if they meant it.—*Rejected*, 283 to 254. June 12th. Col. 797.

*Cl. 3, L. 13*: After “or” insert “any change in.”

*Mr. Webster* said they ought to have a uniform issue of stamps: i.e., have the same stamps in Ireland as England. Both postage stamps and stamps on bills of exchange should be the same in both countries.

*Mr. Gladstone* said they had provided for the uniformity of postal rates, and stamps will be included, but he would insert the amendment elsewhere and say that in postal rates we include postage stamps.

*Mr. Bartley* said the words here were very wide, and would prevent the Irish Legislature from putting up standards of weights and measures in markets, &c., so he offered the words “any change in,” which would meet the point.—*Amendment agreed to*. June 12th. Col. 821.

*Cl. 3, L. 14*: After “insolvency” insert “bankruptcy or.”

*Mr. Parker Smith* said bankruptcy ought to be treated in the same way in Ireland as in England. It was so treated in all the States of America and in Canada.

*Mr. Gladstone* said America was no comparison, because they had legislated, but had withdrawn the legislation. The law of bankruptcy was different in Ireland and Scotland now, and so he could not accept the amendment.—*Negatived*. June 12th. Col. 824.

*Cl. 3, L. 14*: After “or” insert “life, fire and marine insurance.”

*Mr. Parker Smith* said this was an important branch of mercantile law, and uniformity was important.

*Sir J. Rigby* said this was just one of the amendments trying to keep power from the Irish.—*Rejected*, 259 to 223. June 12th. Col. 826.

*Cl. 3, L. 15*: Leave out Section 10.

*Mr. Bartley* said the matters in this section were of everyday occurrence and would have to be considered with the trade of Ireland. He would like to hear definitely from the Government that the provisions of the law would not be interfered with.

*Mr. Hanbury* wished the word “designs” to be inserted after “copyright.”

*Mr. Clancy* said it was hard on the Irish that if an Irish inventor took out a patent, he had to go to London for it, and England would secure the fees he paid for an Irish patent.

*Sir J. Rigby* said the expenditure on staff and machinery fell on the English, so the English should receive the fees. He also said that this Section 10 involved many treaties and international matters, and so ought to be Imperial.—*Withdrawn*. June 12th. Col. 830.

*Cl. 3, L. 15*: After “copyright” insert “designs.”

*Mr. Hanbury* said many designs were brought out every day, and he did not want Irish to be able to crib the designs of English.

*Mr. Morley* said as the word had been in the 1886 Bill, the Government would consider the point and alter it, if necessary, on Report.—*Withdrawn*. June 12th. Col. 836.

*Cl. 3, L. 17*: New Sub-section, “Sale of goods.”

*Mr. Bousfield* said a Bill was before the House now to make the law of sale of goods uniform. The action of the Government would hardly be uniform unless they stopped the Irish Legislature from tampering with this Bill when it became law.

*Sir J. Rigby* said as the Government had decreed that they should not have a uniform commercial code, why pick out one point to be uniform?—*Negatived.* June 12th. Col. 838.

*Cl. 3, L. 17* : New Sub-section, "Companies, their constitution, incorporation and registration."

*Mr. Bousfield* said companies had offices in Belfast and Liverpool, for example. It would be difficult if there was a different company law in each country.

*Sir J. Rigby* said it was not essential (as decided by Parliament in 1890) that company law should be the same in England, Wales and Ireland.—*Negatived.* June 12th. Col. 843.

*Cl. 3, L. 17* : New Sub-section, "Marriage and divorce."

*Sir F. S. Powell* : In New Zealand, Canada, and United States, the central authority had reserved to themselves the power over marriage laws. It was most important, and would lead to much trouble and worry if the laws were not the same. "Domicile" would also be a nuisance in the event of their being different laws in Ireland to England.

*Mr. Gladstone* said *Sir F. Powell* had not proved his case. In no case has Parliament tried to force under the same marriage law any large body of persons. The Colonies have a different law to ours. He would take three cases : United Kingdom, the Colonies, United States.

- (1) United States.—In South Carolina they have no divorce. In Connecticut one in 10 get divorce.
- (2) Colonies.—In Canada they have no divorce law. In some Australian Colonies very loose divorce laws.
- (3) United Kingdom.—A different marriage law in England, Scotland, and Ireland.

There is no case for the amendment, and I cannot accept it.

*Sir E. Clarke* said that granted there was a diversity in the United Kingdom, the Colonies and the United States, did anyone think it anything but a misfortune and disaster? The laws of marriage should be international, and we do not wish to give Ireland the power of making the diversity larger, but rather perhaps to use her as a first step towards a uniform law.

*Mr. Macartney* said for the last 40 or 50 years the Imperial Parliament had consistently been removing disabilities as between Roman Catholics and Protestants, and afterwards disabilities of the children of mixed marriages. Were they going to hand over to a Roman Catholic Legislature the power of restoring all these disabilities and perhaps more?

*Lord R. Churchill* said there were four points over which Catholics and Protestants would disagree in the marriage law :

- (1) Marriage of first cousins.—Repugnant to Roman Catholics. Recognised by Protestants.
- (2) Re-marriage of divorced people. Marriage of divorced with other people.—Repugnant to Roman Catholics. Recognised by Protestants.
- (3) Civil marriages.—Repugnant to Roman Catholics. Recognised by Protestants.
- (4) Mixed marriages.—Repugnant to Roman Catholics. Recognised by Protestants.

The objections of Roman Catholics to these points are conscientious ; but it should be remembered that the opinions of the Protestant minority are also conscientious. Would these opinions be as secure under an Irish Legislature as under Imperial Parliament? In the Canadian Act of 1867, there is given to the Provincial Legislature the power of regulating the solemnisation of marriages : *i.e.*, the rites of marriage according to the religion of the parties marrying ; but there is specially kept from these Legislatures the power of interfering with the law of marriage and divorce, a very different thing from the solemnisation.—*Rejected, 270 to 236.* June 12th. Col. 844.

*Cl. 3, L. 17* : New Sub-section, "Census and statistics."

*Mr. G. Balfour* said he would deal with "census" only. He could not understand why this was not included in the restrictions. In both Canada and the United States this was retained by the central authority.

Surely the census of Ireland and the rest of the United Kingdom should be taken at the same time.

*Mr. J. Morley* said there was nothing in the Bill to prevent there being an Imperial census, and as long as the Irish were represented at Westminster, there would be one. But he could not accept the amendment because the Irish Legislature for some special purpose might wish a special census.—*Rejected, 264 to 231. June 12th. Col. 860.*

*Cl. 3, L. 17*: New Sub-section, "Statistics bearing upon subjects excepted from the legislative control of the Irish Legislature or upon the financial relations between Great Britain and Ireland."

*Mr. H. Foster* said this amendment spoke for itself. Surely the Imperial Parliament should have the duty of collecting statistics about subjects they had withheld from the Irish Legislature, especially when the Irish Members were to be retained in the Imperial Parliament.

*Mr. Morley* said he could only use the same arguments as against the last amendment, and could not accept it.—*Rejected, 248 to 211. June 12th. Col. 864.*

*Cl. 3, L. 17*: New Sub-section, "The granting protection or indemnity in respect of anything done contrary to the provisions of this section."

*Viscount Wolmer* said some amendment like this was necessary, as if any friction ever arose between Irish Legislature and Imperial Parliament the Irish Parliament could frustrate the deliberate intentions of Imperial Parliament. As an instance, take bounties. Suppose the Irish Paymaster-General or other official connived at the frustration of the intentions of Imperial Parliament and so enabled the Irish Legislature to grant bounties. Sometimes the overstepping of the bounds of legality might be unintentional. In either case should the Irish Parliament be allowed to indemnify the wrongdoer? The Lord Lieutenant would veto, it would be said! Already he had work sufficient for four men. From 1795 onwards Irish Legislatures had granted indemnities. What one dominant party in an Irish Legislature had done another might do. Jamaica, more lately, had passed an Act of Indemnity for Governor Eyre, 1865, by which the action *Phillips v. Eyre* had been won, because Eyre pleaded it.

*Sir J. Rigby*: This Clause (3) prohibits a legislative Act on the part of the Irish Legislature with regard to any subjects mentioned therein. Thus it prohibits indemnity. Also no Legislature, unless it be a supreme Legislature like Imperial Parliament, can make legal retrospectively what it could not have legalised antecedently. This is constitutional law.—*Negated. June 13th. Col. 908.*

*Cl. 3, L. 17*: At end, insert "Provided always that nothing in this section shall prevent the passing of any Irish Act for discharging any liabilities imposed by Act of Parliament."

*Mr. Morley* said he introduced this as the result of his promise to the member for Preston.

*Mr. Chamberlain* objected to "discharging the liabilities" as being "double meaning."

*Mr. Gladstone* suggested "to provide for" instead of "discharging," and "charges" instead of "liabilities."—*Amendment, as amended, agreed to. June 13th. Col. 915.*

*Cl. 3, L. 17*: Insert "It is hereby declared that the exceptions from the powers of the Irish Legislature contained in this section are set forth and enumerated for greater certainty, and not so as to restrict the generality of the limitation imposed in the previous section on the powers of the Irish Legislature" (whereby those powers are confined to making of laws in respect of such matters only as relate exclusively to Ireland or to some part thereof).

*Mr. Gerald Balfour* said he wished to know "did the exceptions from these powers refer to matters which, if those exceptions had not been



specifically enumerated, would have laid inside or outside the range of powers conferred on Irish Legislature by Clause 2." Clause 3 and Clause 2 seemed to have doubtful relations to each other, and Clause 3 seemed to weaken Clause 2.

*Mr. Gladstone* said he did not think the amendment necessary, but as it was harmless he would accept it, as far down as "Irish Legislature," the last lines being merely recitation.—*Amendment* (part in brackets excluded) *accepted*. June 13th. Col. 916.

### *Restrictions on powers of Irish Legislature.*

4. The powers of the Irish Legislature shall not extend to the making of any law—

- 20 (1) Respecting the establishment or endowment of religion, or prohibiting the free exercise thereof ; or
  - (2) Imposing any disability, or conferring any privilege, on account of religious belief ; or
  - 25 (3) Abrogating or prejudicially affecting the right to establish or maintain any place of denominational education or any denominational institution or charity ; or
  - (4) Prejudicially affecting the right of any child to attend a school receiving public money, without attending the religious instruction at that school ; or
  - 30 (5) Whereby any person may be deprived of life, liberty, or property without due process of law, or may be denied the equal protection of the laws, or whereby private property may be taken without just compensation ; or
  - 35 (6) Whereby any existing corporation incorporated by Royal Charter or by any local or general Act of Parliament (not being a corporation raising for public purposes taxes, rates, cess, dues, or tolls, or administering funds so raised) may, unless it consents, or the leave of Her Majesty is first obtained on address from the two Houses of the Irish Legislature, be
  - 40 deprived of its rights, privileges, or property without due process of law ; or
  - (7) Whereby any inhabitant of the United Kingdom may be deprived of equal rights as respects public sea fisheries.
- Any law made in contravention of this section shall be void.

*Cl. 4, L. 19* : After "law" insert "Nor the voting nor granting of any public money in aid of the following matters."

*Mr. Harry Foster* said the Irish Legislature should not spend money upon matters that they could not legislate about.

*Mr. Gladstone* said :

- (1) By the Bill the Irish Legislature can vote no money except on recommendation of the Viceroy.
- (2) All money voted must be appropriated by an Irish Act, which must apply to the public service of Ireland.

—*Rejected*, 269 to 234. June 13th. Col. 921.

*Cl. 4, L. 20* : Leave out "Respecting the establishment or endowment of religion."

*Mr. Bartley* said that considering that the Irish Legislature was being established entirely by the influence of the priests, he thought it should have power over religion.

*Mr. Balfour* said people who supported Home Rule because it would give Ireland liberty to manage their own business were bound to vote for this amendment.

*Mr. Gladstone* said he was quite willing to give the Irish Legislature this power, but they did not want it. Establishments of religions generally brought religious disunion and not unity. Ireland has made a generous concession in letting us have power over their religion.—*Negative*. June 13th. Cols. 922-930.

*Cl. 4, L. 21* : After “ or ” insert “ appropriating or diverting the property of any religious body.”

*Mr. Butcher* said it was undesirable that the Irish Legislature should be able to appropriate any funds belonging to religious bodies.

*Mr. Morley* said Sub-sections (4) and (9) safeguarded this.

*Mr. Balfour* said they did not :

- (1) Sub-section (4) refuses power to abrogate or prejudicially affect the right to establish . . . and not to abrogate the actual religious establishment.

Taking away the funds of the Irish Church does not prejudicially affect its right to maintain.

- (2) Sub-section (9). Is every religious body incorporated by Act of Parliament or Royal Charter ?

*Mr. Morley* said *Mr. Balfour's* criticism was just, so he would add at end of Sub-section (3) these words : “ diverting the property of any religious body.”—*Amendment withdrawn*. June 13th. Cols. 930-936.

*Cl. 4, L. 21* : Add “ whether directly or indirectly.”

*Mr. Balfour* said the noble lord, Member for Paddington, had pointed out that though it was impossible to endow religion directly, yet it was perfectly easy to endow it indirectly.

*Mr. Morley* said he would accept the words, although he thought them unnecessary and awkward.

*Mr. Dillon* wished to know first whether this would restrict charities, as he thought no one intended that.

*Sir J. Rigby* said he thought it might apply to charities, and he was sure no one wished grants, now given in aid of education, put an end to by this section.

*Mr. Balfour* said it was obvious that they did not wish to take away existing grants. What he wished to guard against was the Irish Legislature being able to increase subventions to Catholic institutions and decrease them to Protestant ones.—*Amendment agreed to*. June 13th. Cols. 936-941.

*Cl. 4, L. 21* : At end of Sub-section (1) insert “ Respecting the disposition of property for charitable, pious, or religious uses ; or.”

*Sir H. James* said there had been a long struggle to prevent property passing into the dead hands of corporations through religious influence over dying people. The State had prevailed. That was in England. Different laws prevailed in Ireland ; and it was more necessary in Ireland than in England, owing to the power of the ecclesiastics, to limit the power of the Irish Legislature in dealing with this matter.

*Sir J. Rigby* said he thought this was a step backward, as its effect would be to withdraw from Ireland the power of making the Law of Mortmain the same in Ireland as in England. At present it was different.

*Mr. Chamberlain* said the Irish Members had declared that they did not desire an increase in the power of the priesthood or an endowment of religion. If so, let the amendment be accepted, because if the Irish Legislature had power of dealing with this, it is certain that the priests will press for it and probably get it, which they would not do if the Imperial Parliament had it in their hands.

*Mr. Gladstone* said *Mr. Chamberlain* seemed to overlook the fact that by this clause they were excluding certain subjects from the purview of legislation of both Irish and Imperial Parliaments and not only from Irish Legislature. Is the Irish Legislature to be prevented from making laws regarding personal property left for charitable uses ?

*Mr. Balfour* said Mr. Gladstone's first remark was astounding. There was no mention of Imperial Parliament in the clause. Mr. Gladstone had also said that the priests would make themselves unpopular if they withdrew large tracts of land from the market, as land was limited. In one way he was right: *i.e.*, that the number of would-be tenants is in excess of the tenancies. But it is the landlord right which is affected by this question, and there seems no reason why the priests would become unpopular by becoming landowners.—*Rejected, 187 to 143. June 13th. Cols. 944-949.*

*Cl. 4, L. 22:* After "privilege" insert "advantage or benefit."

*Sir H. James.*—*Amendment agreed to. June 13th. Col. 949.*

*Cl. 4, L. 23:* After "belief" insert "or political opinions."

*Mr. Griffith Boscawen* said there was as much and more likelihood of persecution on account of political opinions than there was on account of religious belief.

*Mr. Morley* said the amendment was childish and not worth considering.

*Mr. Chamberlain* (after several others had spoken) said Mr. Macfarlane had alleged that the Primrose League had been guilty of boycotting, and several other institutions as well. He agreed that English political parties, and Canadian ones too, and in fact every predominant party in the world, occasionally did take advantage of their ascendancy. But could they compare the influence of parties in England with the influence in Ireland. Could they compare any state of affairs in England with the crime and murder and threatened revenge of the National League in Ireland. Under Home Rule, a Protestant and Ulsterman would be in fear of his life and property; and judging by the speeches of Nationalists their fear would be well grounded. He admitted the amendment would be no absolute protection, but any hope of that must be given up under Home Rule.—*Rejected, 269 to 233. June 13th. Cols. 950-970.*

*Cl. 4, L. 23:* After "or" insert "repealing or amending any law at present in existence or hereinafter to be enacted by the Imperial Parliament, which gives legal effect to any rights or ceremonies performed by any Protestant Church, or."

*Mr. Rentoul* desired to make it clear that the Irish Legislature should not be able to assimilate the law in Ireland with that in England with regard to marriages in Presbyterian churches.

*Mr. Morley* said the amendment was to delay the Bill; if the Government expected Acts of Oppression from the Irish Legislature such as the Opposition expected, they would have to include from 500 to 5,000 similar provisions.

*Mr. Gladstone* said the Presbyterian marriage law did no harm or inconvenience to anybody, so why should the Irish Legislature interfere?

*Mr. Balfour* said this was Mr. Gladstone's attitude: "When the Protestant Episcopalian was in power in Ireland, he committed acts of the grossest kind, but when the Roman Catholic comes into power, nothing of that sort can possibly happen." A most unreasonable supposition.—*Rejected, 266 to 228. June 13th. Cols. 970-976.*

*Cl. 4, L. 24:* At beginning of sub-section, to insert "Diverting the property of any religious body."

*Mr. Morley* said he proposed this according to his promise.—*Agreed to. June 13th. Cols. 976-979.*

*Cl. 4, L. 24:* Leave out "prejudicially."

*Mr. Cochrane* said the word was superfluous and rather weakened the section; and besides might cause friction and prove to be a bone of contention.

*Sir C. Russell* said this would nullify the clause. If the word were deleted it would follow that the Legislature had no power to legislate at all about the subjects in Sub-section (4). Really it has power to deal with the subject-matter of these subjects.

*Mr. Carson* said he understood that, by Sub-section (1) of this clause, and by the words, "directly or indirectly," in that sub-section, the Irish Legislature should have no power whatever to give preference to any denominational education or institution. Was that so or not?

*Sir J. Rigby* said the Government's intention was that the Irish Legislature should deal with education generally, except as it is limited in this Clause 4. There is to be no direct or indirect endowment of religion. But as there are places where grants are made for denominational schools now, they can be continued so long as one denomination be not preferred to another.

*Mr. Balfour* : This sub-section gives the Irish Legislature the power of extending rights, but not of diminishing them. If they may deal at all with them, how are you going to prevent them dealing preferentially with them? The Government has decided that under the Bill the Irish Legislature can continue the annual grant by means of an Annual Bill to the two denominational training colleges. If the Irish Legislature can do this to one Catholic college, it can do it to several.

*Mr. Gladstone* said he thought Sub-section (2) was sufficient, but if the Opposition thought not, he was willing to consider a separate proposal, in amendment form, dealing with preference.—*Withdrawn.* June 14th. Cols. 981-996.

*Cl. 4, L. 29* : Insert as new Sub-section (5) "Imposing any new disability or conferring any new privilege on any institution belonging to or conducted by any religious denomination, or."

*Mr. Vicary Gibbs* said that under Sub-section (2) the Irish Legislature could give monetary grants to Roman Catholic colleges indirectly. He wanted it stated clearly in the Bill that this could not happen.

*Sir J. Rigby* said the amendment went further than anyone wanted. It would deprive the Irish Legislature of power over everything connected with denominational schools.

*Mr. Balfour* : If the Irish Legislature wished to pass a vote to increase the grant to a Roman Catholic college, what was to prevent it? Why should it not do so and leave the Protestant college alone?

*Mr. Gladstone* : Training colleges have a denominational character and so are on the same status as schools. The Government's rigid rule, however, as regards preference, is applied to training colleges, as to all the doings of the Irish Legislature.

*Mr. Balfour* : There are Protestant Chairs of Theology in Trinity College, Dublin; so would not the Irish Legislature have a right to found a Roman Catholic University in Dublin, without being guilty of preference?

*Mr. Sexton* said this was so important a point that it ought to be the subject of a separate amendment.—*Negatived.* June 14th. Cols. 997-1010.

*Cl. 4, L. 29* : New Sub-section "Determining the qualifications necessary to the holding of any judicial office or of any office of the Executive Government in Ireland."

*Mr. Gerald Balfour* said his amendment was to prevent the legislative body in Ireland encroaching on the executive body, as usually happened in most countries. The Legislature always tried to assume some of the duties of the Executive. Even if appointments were vested in the Executive (and although that would constitute an effective check on the Legislature) yet it was left to the Legislature to determine the qualifications necessary for such appointments. For instance, the Legislature might say that nobody be appointed to a judicial office who was not Irish by birth.

*Sir C. Russell* said the Executive would grow out of the Legislature so why should it have privileges which the Legislature did not enjoy. The Irish Legislature must be given credit for good sense and justice; the Government cannot provide for all contingencies in which the Irish might legislate against common-sense.

*Lord R. Churchill* said the appointment of judges rested with the Lord Lieutenant, probably in consultation with his Ministers or with the Lord Chancellor of Ireland. He supposed this was so, but the Committee would like to know the extent of the power of the Lord Lieutenant and with whose counsel he would act.

*Mr. Gladstone* said the amendment would include all persons holding public office in Ireland: *i.e.*, postmen, &c., and so was far too large in scope. He was quite willing to introduce into the Bill a provision to say that the appointment of judges shall remain with the Crown.

*Mr. G. Balfour* amended his amendment by omitting from "or any" to "Ireland," as it was too broad in scope.—*Rejected*, 266 to 231. June 14th. Cols. 1016–1022.

Cl. 4, L. 29: New sub-section. "Diminishing the salary of the holder of any office under the Crown in Ireland, during his continuation of office, or altering his right to pension without his consent."

*Mr. G. Balfour* said it was undesirable that the Legislature should have power to diminish salaries or to hold that power *in terrorem* over office-holders' heads.

*Mr. Morley* said the Government had already done this in the case of judges. It was impossible and ridiculous to do it in the case of all executive offices.

*Mr. Chamberlain* explained that it was only to affect present holders and future ones, after their salary had been fixed. If a man, holding office at £500 per annum, died, the Legislature could appoint another man at £300, but after appointment, they could not lower his salary, while he held office; otherwise the Government could put the screw on office-holders at any time.—*Rejected*, 281 to 239. June 14th. Cols. 1022–1029.

Cl. 4, L. 29: New Sub-section (5). "Subjecting any person to the penalties or disabilities of attainder, nor shall their power extend to the bringing in or considering of any Bill of Attainder."

*Mr. Darling* said Bills of Attainder were usually brought for "treason," although for other things too. The Irish idea of treason would probably be the English idea of loyalty. He did not think the power of passing Bills of Attainder should belong to the Irish Legislature.

*Sir C. Russell* said the words in Sub-section (8) were sufficient to stop Bills of Attainder.

*Sir H. James* said if the Government had put in words, in their opinion, sufficient, why did not they insert the amendment, seeing that it did not impair the Bill.—*Rejected*, 280 to 241. June 14th. Cols. 1022–1033.

Cl. 4, L. 29: New Sub-section (5). "Whereby there shall be any increased use of the Irish language in lieu of English in national schools, courts of law, or other places where public money is expended; or."

*Sir T. Lea* said he did not wish the English-speaking people in Ireland to be taxed and made to pay if the Irish Legislature adopted the Irish language.

*Mr. Morley* said the amendment was ridiculous. If anything was purely an Irish affair this was.—*Negative*d. June 15th. Cols. 1075–1082.

Cl. 4, L. 30: Leave out Sub-section (5).

*Mr. Bartley* said this section was not in the 1886 Bill. It was a copy of the American Constitution. The section seemed to him to show

a total distrust of the Irish Legislature ; in fact, to say it should not kill or steal. " Without due process of law " in this section seemed to be vague and undefinable. No one had yet defined the words. And yet by the Bill the makers of the law would be the interpreters of the law, and they could interpret as it suited them.

*Mr. Gladstone* said he could not accept the amendment ; the section was no insult to Ireland for two reasons :

(1) Because the Irish accepted it and did not mind it.

(2) Because the same words practically are in the American Constitution.

—*Rejected*, 268 to 235. June 15th. Cols. 1082–1093.

*Cl. 4, L. 30* : After " whereby " insert " the privileges or immunities of any of Her Majesty's subjects in the United Kingdom may be abridged, or whereby."

*Mr. Mowbray* said this would give the draughtsman (*Mr. Bryce*) an opportunity of explaining why he took some bits from the American Constitution and not others. This amendment of his was out of the same Constitution, and afforded protection to the coloured races as he wished it to afford protection to the loyal minority.

*Mr. Carson* wished to know why these words (which were in the American Constitution) were left out here. Was the Irish Legislature to have power to abrogate from the privileges of Her Majesty's subjects, either intentionally or not ? Will the Irish Legislature be able to suspend the Habeas Corpus Act, or abolish trial by jury ?

*Sir C. Russell* said the words in the section already were sufficient, without those in the amendment. The subsequent words of the section cover all the cases.

*Mr. Chamberlain* did not agree. How about habeas corpus and jury trial ?

*Mr. Bryce* said these words were omitted because they were unnecessary. They were only introduced to protect negroes. They had tried to protect two subjects :

(1) Religion, and

(2) Property.

The former they had dealt with, and the latter was covered by this section. This clause does not cover " trial by jury," nor does it in America. The Government thinks there are cases where the Irish Legislature could rightly dispense with juries.—*Rejected*, 249 to 208. June 15th. Cols. 1094–1113.

*Cl. 4, L. 31* : Leave out " without due process of law."

*Mr. Seton Karr* wished to hear the Government's opinion as to the meaning of these mysterious words. He had one opinion in his hand, i.e., the opinion of *Mr. Campion, Q.C.*, in Ireland. He said these words meant " the process of the law for the time being." This would mean that the Irish could alter the law as they liked.

*Sir C. Russell* said this was a peg to hang a discussion on, as the amendment could not be meant seriously. He was asked to define these words. They had never been defined. In cases the judge merely decided where a certain proceeding was in due process of law and where it was not. He said he would regard the words in this way : that due process of law follows settled principles of judicial procedure, or where such process follows sound precedent applicable to the subject-matter and the circumstances affecting it. For instance :

(1) Irish Legislature could make a law and fine a person for taking part in a procession.

(2) Irish Legislature could not make a law that everyone occupying land should straightway own it. This would not be due process of law, there being no judicial machinery set up to give effect to the law.

—*Negatived*. June 15th. Cols. 1113–1119.

*Cl. 4, L. 31* : After " law " insert " or by martial law."

*Major Darwin* made a long speech about martial law. He said it was usually called into operation during riots. He did not think the Irish Legislature should have control over this, and be able to pass an Act enforcing martial law.

*Sir J. Rigby* said the whole of Major Darwin's speech was based on a fallacy, and was useless. There was no branch of law called martial law. It was called into being in times of stress; but was a most improper word to introduce into a Bill, as it was only operative when ordinary law proved ineffective.—*Amendment withdrawn.* June 15th. Cols. 1119–1125.

Cl. 4, L. 31: After "law" insert "giving not less security than is given by the common law (of Ireland) or by any Act of Parliament varying the common law."

*Mr. Wyndham* said that, as desired, he would leave out "of Ireland" in the amendment. He would have preferred "of England," but would leave out both. It was admitted that "due process of law" had to be judged by some external standard of justice, as no definition could be attached to it. Therefore he moved this amendment so that they could have "common law" as their external standard.

*Mr. Bolton* said a court of law in Ireland would have to have regard to laws made in Ireland. Therefore "due process of law" would mean the laws passed by the Irish Legislature and not the due process of the common law. Hence the necessity for the amendment.

*Sir J. Rigby*: What is this external standard? It is not the existing process of law, but a process that can be described as "due process of law." The Irish Legislature is to deal with criminal procedure, and what is wanted is a rule sufficiently plain and wide to secure justice. This amendment would make the section more vague instead of more precise.

*Mr. Dunbar Barton* said this section could be no safeguard to the loyalists, because the only sane view of the case was that whatever law the Irish Legislature passed would become "due process of law." What was to prevent the Irish Legislature from altering the Magna Charta, the Bill of Rights and habeas corpus, &c.? He would put four propositions:

- (1) These words were the sole safeguard for the lives and liberties of loyalists.
- (2) In their well understood sense in our law they were valueless.
- (3) It was impossible to pitchfork them from American law to our law in American sense.
- (4) If they were taken in their American sense they would be ineffective.

*Sir C. Russell*: The fallacy underlying Mr. Barton's argument is that he disregards the context in which these words "due process of law" occur. The Irish Legislature could not make laws or lay down procedure and then call it due process of law.

*Sir E. Clarke*: By the amendment the judge would have to administer the common law, which he does every day. Surely this is more simple than having to administer under "due process of law."

*Mr. Bryce* said common law would make the section more vague. As it was, it was a good elastic safeguard.—*Rejected*, 263 to 231. June 15th. Cols. 1125–1155.

Cl. 4, L. 31: After "law" insert "in accordance with settled principles and precedents of judicial procedure unalterable by legal enactments other than those of the Parliament of the United Kingdom."

*Mr. G. Balfour* said he wished this to be a sort of sign-post for judges, not to be a definition of the words "due process of law." Also the Solicitor-General and Attorney-General had explicitly stated that the Irish Legislature could not pass laws and then call them due process of law. His amendment would give effect to this.

*Sir C. Russell* said they would accept the amendment down to "procedure," but not the rest, as that would stereotype the amendment.

*Mr. Balfour* said it was evidently admitted that the Imperial Parliament could vary due process of law; but what was to stop the Irish Legislature from doing likewise? The amendment would secure that the Irish Legislature did not do so.

Mr. Chamberlain was thankful for the Government's concession, and did not mind much if the latter part of the amendment was not accepted. He thought the former part was sufficient. For instance, if it were a settled principle and precedent that a man be entitled to trial by jury, the Irish Legislature cannot alter the law.

Mr. Sexton said he preferred "regard being had to" to "in accordance with," and moved an amendment accordingly, which was defeated (324 to 144).

Mr. Clancy protested against the concession. It was only whittling down the power of the Irish Legislature, which was small enough already, and it was a concession to the people who were trying to wreck the Bill.—*Accepted, 310 to 165. June 16th. Cols. 1198-1218.*

*Cl. 4, L. 32*: After "laws" insert "or shall escape liability for acts done or omitted to be done by means of an Act of Indemnity."

Major Darwin said he wished Acts of Indemnity withheld from the Irish Legislature. If they were so withheld, the Legislature would have to legislate for certain cases before the thing happened, and therefore the Imperial Parliament would have power and opportunity to discuss the law. Otherwise the indemnity would be passed after the thing had happened, and it might be too late for Imperial Parliament to intervene.

Sir C. Russell could not accept the amendment. Any Act of Indemnity passed by the Irish Legislature concerning matters which the Irish Legislature could not have legislated about *a priori* would be void. *Vice versa*, when the Irish Legislature could have legislated *a priori*, Acts of Indemnity in these cases were permissible.

Mr. Carson stated the following case:—Suppose the Irish Legislature passed an Act *prima facie* legal and proper, which was subsequently held to be null and void. Meanwhile an official proceeds under the Act to do what he is told to do by the Executive. Could the Irish Legislature indemnify the official?

Sir J. Rigby: Acts that cannot be authorised, cannot be indemnified.—*Rejected, 258 to 220. June 16th. Cols. 1218-1226.*

*Cl. 4, L. 33*: After "taken" insert "or any person not otherwise provided for by this Act be deprived of any public office or situation which such person may have occupied on the appointed day."

Mr. Horace Plunkett said he wished to safeguard in their office those officials not already mentioned in the Bill. The Bill dealt with judges, civil servants and constabulary, but this amendment dealt with the county officers, county surveyors, &c. Unless safeguarded these posts might be given to American friends under the "spoils system," or anyhow to political partisans.

Mr. Plunkett said: Suppose the Irish Legislature abolishes the grand jury, with it must go the servants of the grand jury. The amendment aims at the servants so dismissed being fairly compensated.

Mr. Balfour said the Nationalist party had always shown hostility to grand juries and their officials; so a man who at 25 or 30 had entered into the employment of a grand jury might at 45 or 50 be dismissed without compensation and without any bent or ability for new work.

Mr. Morley said the amendment was absurdly wide; it would make any public office-holder's post into a freehold. Clause 28 was really the proper place for an amendment if it were ever necessary.—*Rejected, 253 to 211. June 16th. Cols. 1226-1239.*

*Cl. 4, L. 33*: After "taken" insert "or injuriously affected."

Mr. Bolton said the sub-section provided only for private property taken; he would like it to provide for private property injuriously affected as well. In the Land Clauses Act both were provided for.

Sir J. Rigby said this would add a lot of uncertainty. The taking of easements—such as light, right of road, &c.—was already provided for.



*Mr. Chamberlain* said he would support the amendment, because there were many cases where compensation should be paid. For instance, the District Railway paid compensation for disturbance by going underneath houses. Drainage work in Ireland might flood some land; was there to be no compensation?

*Sir J. Rigby*: The amendment is too vague. All the cases cited were covered by the sub-section or by the ordinary law.—*Rejected*, 284 to 250. June 19th. Cols. 1353-1362.

Cl. 4, L. 33: Leave out "just compensation" and insert "such compensation as he is at present by law entitled to."

*Mr. Hobhouse* said "just compensation" was very indefinite and he wished to make it more precise. If the Irish Legislature passed an Act to say that tenants might purchase their land at a certain number of years' purchase of the judicial rent, would the Act be void? Who would decide the number of years' purchase, the Exchequer judges or the Privy Council? If they were going to depart from the well-settled principles of justice in compensation, let it be done by Imperial Parliament.

*Sir C. Russell* objected to the amendment: (1) because it was unnecessary; (2) because it stereotyped the rule of compensation. The judges must define "just compensation." As to his question regarding land, the Act would be null and void if it were determined that the compensation was not just, and it would be determined by the Courts of Justice, with appeal (Clause 19, Section 4) to Exchequer judges and final appeal to Privy Council.—*Rejected*, 290 to 258. June 19th. Cols. 1362-1377.

Cl. 4, L. 33: After "compensation" insert "or whereby proceedings by petition of right may be altered or abridged."

*Mr. Carson* said the Queen could do no wrong and, therefore, an Executive of hers could do no wrong. Now, the only way there could be litigation between the Executive and a subject was petition of right. No subject could bring an action against the Executive except by petition of right. Therefore he wished to prevent the Irish Legislature altering or abridging this, the sole method of litigation between Executive and subject.

*Sir J. Rigby* agreed that this would be serious, except for two reasons:

- (1) That the Crown's consent would have to be obtained for any Bill of the Irish Legislature's to alter this.
- (2) That there was a much better method existing now in the Colonies, whereby instead of a petition of right, the subject names a Minister as defendant and sues him. This amendment would prevent the Legislature adopting this superior form of litigation.

*Mr. Balfour* said this might be a superior form. If so, why did the Government not embody it in the Bill as the best and only way for a subject to litigate with the Executive. Let them have one way or another settled and put into the Bill.—*Rejected*, 201 to 164. June 19th. Cols. 1378-1386.

Cl. 4, L. 33: After "or" insert "suspending or prejudicially affecting the right of any person to the writ of habeas corpus."

*Mr. Rentoul* said the Irish Parliament was going to be subordinate and, therefore, should not have power to suspend the habeas corpus. The Irish Legislature might suspend it in Ulster, particularly in the case of those who had laboured to prevent Home Rule.

*Sir C. Russell* said *Mr. Rentoul* had just made out a case in which he said that Ulster was not going to have Home Rule at any price. Ulster would fight and rebel against any Home Rule for Ireland. In fact, *Mr. Rentoul* has made out a strong case for the Irish Legislature being given the power to suspend the habeas corpus. It is for rebellions and such like, one of which is promised in Ulster, that the Irish Legislature will require this power of suspension.

*Mr. Dunbar Barton* said that in the majority of the United States habeas corpus could be suspended only in case of rebellion or invasion. In eight States it could not be suspended at all; and all recent tendencies pointed to getting rid of exceptions and substituting prohibition of suspension. Why give this power of suspension to the Irish Legislature when treason and war were reserved to the Imperial Parliament? The power was merely being given for the purpose of coercion, which the Prime Minister had condemned.

*Sir H. James* said he was told the Irish did not wish this power; then why grant it to them? Did the suspension of the habeas corpus in 1881 have any success? Did it pacify Ireland?

*Mr. Gladstone*: In our opinion the Irish Legislature is already absolutely prevented from suspending the habeas corpus under conditions which do not require its suspension, under capricious, wanton and needless conditions. It is prevented from doing this—

- (1) By having to receive the Royal Assent.
- (2) By having the intervention of this House to deal with.
- (3) By the action of the Courts of Ireland.
- (4) By the final appeal to the Privy Council.

—*Rejected, 270 to 241. June 19th. Cols. 1386-1410.*

*Cl. 4, L. 33*: As a new sub-section. "Of an *ex post facto* character."

*Viscount Wolmer* referred to the American Constitution, where *ex post facto* laws were withdrawn from the State Legislature and also from Congress. Was the Irish Legislature to be given a power withheld from Congress in America? As an instance of its use, or possible use, he pointed to a speech of the member for Mayo, in which he said certain magistrates and policemen ought to be punished by the Irish Legislature for past offences. They could not be punished as the law stood, because they had done nothing against the law, but the Irish Legislature could pass an *ex post facto* law and punish them.

*Sir C. Russell* said there was in America a uniform judicial interpretation which restricts *ex post facto* legislation to criminal matters, and has no relation to other legislation. As to Viscount Wolmer's example, there was the veto to over-ride it, and intense stupidity on the part of Irish Legislature to consider such an Act.

*Mr. Chamberlain* suggested adding "criminal legislation" to the amendment. If Sir C. Russell thought this such an insult and so monstrous a thing to the Irish Legislature, why was he not consistent? It was just as monstrous to deprive the Legislature of the right of depriving anyone of life without due process of law. Will not the Irish Legislature punish their political opponents by *ex post facto* legislation? Look at the member for Mayo's words (Mr. Dillon): "When we come out of this struggle, we will deal out punishment to the enemies of the people."

*Mr. Balfour* divided the question into two parts: (1) Civil; and (2) Criminal:—

- (1) Civil.—There certainly were occasions when retrospective legislation is necessary. But the right of it should belong to Imperial Parliament and not to Irish Parliament. Otherwise you would give to Irish Legislature the power of wiping out arrears of debt or dealing with contracts between landlord and tenants, as Imperial Parliament did in 1887. But the Irish Legislature would be composed entirely almost of tenants. Hence the unfairness of giving it this power.
- (2) Criminal.—The words *ex post facto* have a precise meaning in American law. The Attorney-General accepts American definitions of "due process of law," but refuses them here. Is this logical?

*Mr. Haldane* says it is an insult to insert the words which are not in Canadian Acts or Colonial ones. There are two reasons against this:—

- (a) Powers given to Irish Legislature are not enumerated. Powers given to Provincial Legislatures in Canada are enumerated.
- (b) Provincial Legislatures in Canada cannot deal with criminal laws at all, and so, naturally, cannot deal with *ex post facto* laws.

Mr. Gladstone said that instead of America, he would prefer to follow the precedent they had adopted in the Colonies. In the Colonies this power of *ex post facto* belongs unfettered to the Colonies.

Sir H. James said the Imperial supremacy over the Colonies was a very different thing to what it was to be over the Irish Legislature. There was nothing in the Colonial Legislatures restricting them from depriving a man of life without due process of law; and yet this was in the Irish Legislature.—*Rejected, 270 to 240. June 20th. Cols. 1502-1524.*

Cl. 4, L. 33: After “or” insert “impairing the obligation of contracts.”

Viscount Wolmer said this also was part of the American Constitution. Contracts would be on the same level in Ireland as in England, except with regard to land. Irish members were well known to be in favour of curtailment of the judicial rents. If the fixing of rents was to be given eventually to the Irish members, why did the Government withdraw that right for three years? Was the Government going to settle the entire question in the meanwhile?

Mr. Rathbone moved as amendment to the amendment: “Except with the consent of Parliament testified by an address to Her Majesty from both Houses of Parliament.” He said that questions of this kind could be settled by the means mentioned in his amendment instead of by a cumbrous Bill being passed through all its stages in the Imperial Parliament. The Irish Legislature would pass the Bill in Ireland, where the question would be better understood, as it would relate to Ireland, and the Bill would then simply need one vote of Imperial Parliament.

Sir C. Russell said this came up properly on Clause 35.

Mr. Chamberlain said there were two alternatives:—

- (1) The Government before the three years are up should make a final and exhaustive settlement of the land question.
- (2) The Government should not deal with the question, but after the three years should make conditions and restrictions and then let the Irish Legislature deal with it. *i.e.*, have all this discussion all over again. Why not do it now and settle it? Which alternative did they intend to adopt?

Sir C. Russell said this would come up on Clause 35. If that clause did not at present allow them to put restrictions on the action of the Irish Legislature, when they came to it they would put in an amendment giving themselves that right.—*Rejected, 260 to 223. June 20th. Cols. 1525-1554.*

Cl. 4, L. 33: After “or” insert “whereby any higher taxation is levied upon landed property than upon other property of equal value, and whereby any system of graduated taxation is adopted unless an identical law be sanctioned for the United Kingdom by Imperial Parliament.”

Mr. Brodrick said that Ireland would not be able to pay its own way. Customs and Excise were debarred and, therefore, the most likely method of meeting a deficit for the Irish Legislature to adopt would be taxes on landlords or a graduated system of taxation. He wished this also debarred.

Mr. Gladstone: Why should land be the favoured kind of property to be fenced round? There are some forms of graduated taxation in England. Why should not Ireland have them too? The Irish members would be unlikely to go far in that direction, as it would mean imposing double taxation upon themselves probably.—*Rejected, 270 to 238. June 20th. Cols. 1554-1563.*

Cl. 4, L. 33: At end, add “whereby any censorship of the Press shall be established or public meetings for legal purposes shall be interfered with.”

Mr. Parker Smith said this was in the American Constitution and was important. Roman Catholics were not so fond of freedom of the Press as some others were, and a Roman Catholic Irish Legislature might prevent the publication of articles and books which they thought dangerous.

Mr. Morley said the amendment was impossible. The case was already met by other clauses.—*Negatived.* June 21st. Cols. 1566–1579.

*Cl. 4, L. 33*: New sub-section. “Affecting the constitution, endowments, property, or privileges of Trinity College, Dublin, or of the University of Dublin.”

Mr. Plunkett said he wished Dublin University to be exempt from the control of the Irish Legislature, as otherwise it would be entirely subject to the powers of the Roman Catholic prelates. For 100 years (since 1793) this University had been open to all religious creeds. More lately the prelates had begun to set their faces against united education, and in attempting to remedy their grievances by a Bill, introducing several Roman Catholic colleges into a reformed University of Dublin, Mr. Gladstone's Government in 1873 was wrecked. The Government says Clause 4, Sub-section 9, is a protection against what I wish to do by amendment. Why should not the Irish Legislature await a favourable time, when the Imperial Government depended on the vote of the Irish members, for instance, and present a Bill, passed by themselves, allowing them to deal with the University?

Mr. Gladstone said it was ridiculous to think of taking the University and Trinity College out of the purview of the Bill altogether. Were they to be an absolute exception? If so, why? because there were other corporations with just as much right of exception. With regard to Clause 4, Sub-section (9), the University had three rows of defence:—

- (1) The Irish Legislature cannot be moved without Trinity College's consent.
- (2) A joint address from the two Irish Houses is necessary.
- (3) The leave of Her Majesty to be granted on the address of the two Irish Houses.

Mr. Carson did not understand Mr. Gladstone's first argument. By the Bill already the Government had excepted from the power of the Irish Legislature all denominational institutions. Because the University had been generous and made itself undenominational, it was to be given over to the Irish Legislature. If the University had remained denominational, it would have been excepted. He had no trust in the defences, which at favourable times could be surmounted.

Mr. Balfour said he had always thought that a separate Roman Catholic University in Dublin should be set up by Imperial Parliament. That would save Trinity College. But under an Irish Legislature would Ireland have the funds to set up a Roman Catholic University? Would the Irish Legislature sooner raise the last 6d. from the taxpayers for this University, or would they sooner attack Trinity College?—*Rejected.* 284 to 242. June 21st. Cols. 1580–1623.

*Cl. 4, L. 33*: New sub-section. “Affecting the constitution, endowments, property or privileges of Queen's College, Belfast.”

Mr. Rentoul said this was a somewhat similar amendment to the last with one great difference. This college was the one fully equipped training college for Presbyterian clergy, and as such should not be under the control of a Roman Catholic Irish Legislature.

Mr. Morley said the amendment was absurd, after the rejection of the previous one.—*Rejected.* 279 to 238. June 21st. Cols. 1623–1627.

*Cl. 4, L. 35*: Leave out from “Parliament” to “may” (*i.e.*, leave out after “Parliament”. . . “not being a corporation raising for public purposes taxes, rates, cess, dues, or tolls, or administering funds so raised.”) (*See P. 4, Cl. 4, Ll. 2–5.*)

Mr. Wolff said the amendment applied to municipal, harbour and water boards. Many of these had incomes derived from rates and tolls and also from English societies. Confidence would go if these were under Irish Legislature. These boards also had large schemes on which they were afraid would be impossible under Irish Legislature.

Sir C. Russell said they could not accept an amendment dealing with purely Irish business. On it being pointed out by Mr. Goschen that the drafting was bad, he promised to revise the section and bring up new words on report.—*Rejected.* 302 to 254. June 22nd. Cols. 1686–1691.

Cl. 4, L. 37 : Leave out from “ unless ” . . . to “ Legislature.”

*Mr. Tomlinson* said the first words were ambiguous. How was the corporation to consent ? Also, there would be no trouble in procuring an address of both Houses of the Irish Legislature, and in favourable times (*i.e.*, the Irish in Imperial Parliament having power of turning out Government), the Queen's consent would be easily got. He did not think the safeguards sufficient.

*Mr. Balfour* said the actual amendment need not be passed, but what was important was that it should be explained when Her Majesty is acting on the advice of Her Irish Ministry and when on the advice of her Imperial Ministry. An interpretation clause would hardly do, as there were several instances in the Bill where the Queen would be acting on advice of the Irish, and several instances when she would be acting on advice of Imperial Ministry. An interpretation clause could not explain them all.

*Sir C. Russell* agreed to redraft the clause and make it clear.—*Amendment withdrawn.* June 22nd. Cols. 1691–1696.

Cl. 4, L. 38 : Leave out “ it consents ” and insert “ nine-tenths of its members, duly convened for the purpose, consent.”

*Mr. Bartley* wished a large majority for a serious thing like this ; not an accidental one.

*Sir C. Russell* said he could not consent. Whatever the rules of various corporations were, they must be adhered to. Some had to have unanimous decision. This amendment would weaken those.—*Amendment withdrawn.* June 22nd. Cols. 1696–1699.

Cl. 4, L. 39 : After “ Legislature ” insert “ and after a copy of the proposed law has lain for not less than 40 days on the table of both Houses of Parliament.”

*Mr. Plunkett* said it was necessary for Imperial Parliament to know the details of the Bills being passed in Irish Legislature. The Prime Minister said this clause would give Imperial Parliament distinct *locus standi* in respect of Bills affecting corporations. There could be no *locus standi* if Imperial Parliament did not know the details of the Bills and proposals. Also without this amendment the Irish Legislature might pass Bills while Imperial Parliament was not sitting.

*Mr. Asquith* said the security was sufficient. The Prime Minister had said that the security existed, not that it would be provided.

*Mr. Goschen* said this made the control of Imperial Parliament nugatory. It a Bill was passed while Imperial Parliament was not sitting, a vote of censure after the mischief was done was all that remained.—*Rejected, 307 to 261.* June 22nd. Cols. 1699–1707.

Cl. 4, L. 40 : Leave out “ without due process of law.”

*Mr. Parker Smith* wished the Government to leave this out and insert “ in accordance with settled principles and precedents,” as in Sub-section (8). It would simplify the clause.

*Sir J. Rigby* said the Government could not leave it out, but they would add the other words suggested. Amendment proposed : after “ law ” insert “ According to the settled principles and precedents from time to time existing in England.”—*Amendment withdrawn.* June 22nd. Cols. 1707–1710.

Cl. 4, L. 41 : After “ law ” insert “ Provided always that in the case of corporations constituted for the purpose of holding property of any church or religious denomination, or the ministers of the same, the said Irish Legislature shall not be at liberty to make any law affecting, or otherwise to interfere with such corporations or the property vested in the same.”

*Mr. Carson* said the Irish Legislature had already been prevented from making any law respecting the establishing or endowing of religion. Therefore, he thought they should also be prevented from interfering with the Protestant Church in Ireland and its endowments.

*Mr. Morley* said the amendment was too wide. It would prevent the Irish Legislature from making any law regarding land affecting the Church of Ireland, or any law affecting railway stock (as the Church has investments in that stock). *Mr. Carson* admits his objection is partly met by Sub-section (3), Clause 4. By adding to that section his object would be met altogether. The Government suggested after "diverting" to add "or prejudicially affecting the Constitution."

*Mr. Carson* objected to "prejudicially," and suggested "Diverting the property or without its consent altering the constitution."

*Mr. Morley* said the Government would consider it before the report stage.—June 22nd. Cols. 1712-1716.

*Cl. 4, L. 41*: To insert "or in the case of property, just compensation."

*Mr. Knor* said as the section stood the Irish Legislature could not take land for a railway.

*Sir J. Rigby* said he would consider this and insert words on report.—*Amendment by leave withdrawn.* June 22nd. Cols. 1716-1717.

*Cl. 4, L. 41*: To insert "Whereby any undue preference, benefit or advantage is given to or conferred directly or indirectly, upon any person, body of persons, class, body corporate or institution, or."

*Mr. Cochrane* said the Prime Minister on a previous amendment had clearly declared against preference of any kind being given, so he had introduced this amendment. The Irish Legislature by beneficially treating one sect or school might seriously harm another.

*Mr. Morley* said the amendment hardly carried out their desires. He suggested words to be inserted earlier in the clause, *i.e.*, Clause 4, Sub-section (7).

*Mr. Chamberlain* said he thought undue preference could still be exercised in many cases in spite of the Government's amendment. For instance, any person aggrieved would have to show that the preference shown to someone else was because the someone else was Irish and he was not. This would be difficult to prove. He preferred *Mr. Cochrane's* amendment.

*Mr. Balfour* and *Sir H. James* both wished the words "undue preference" inserted.

*Mr. Morley* said "undue" was too vague and uncertain. He would reconsider the wording of the Government's amendment before Report.—*Rejected, 260 to 218.* June 22nd. Cols. 1717-1738.

*Cl. 4, L. 41*: New sub-section. "Whereby any voluntary institution, association or society, lawfully constituted according to the laws of the United Kingdom in force for the time being, is prejudicially affected."

*Mr. Cochrane* said this was to safeguard "Freemasons." Roman Catholics, of all classes, had denounced and tried to harm "Freemasons" for many years. (He gave instances of refusal of sacrament, &c., by Roman Catholics to Freemasons.)

*Mr. Gladstone* said:—

(1) The amendment was far too wide, involving hundreds of other institutions, good, bad and indifferent.

(2) For his part he trusted the Irish Legislature to do nothing harsh towards Freemasons or others.

—*Rejected, 278 to 243.* June 22nd. Cols. 1738-1746.

*Cl. 4, L. 41*: New sub-section. "Whereby the actions of any official of the Government shall be removed from the cognisance of the ordinary law."

*Mr. Parker Smith* said this was to prevent the Irish Legislature from setting up a "droit administratif," as was in force in France, Germany and Russia, *i.e.*, special rights and privileges in deciding actions brought

against officials of the Government. In England all citizens were on the same level in the law courts. He wished the Irish Legislature to be freed from the temptation of putting its members and officials in a special position.

*Mr. Morley* objected to the amendment and the time wasted over it. Why should the Irish Legislature be less sensible of the superiority of the English system than the English themselves?—*Rejected*, 272 to 230. June 23rd. Cols. 1787-1794.

Cl. 4, L. 1: Leave out Sub-section (7). (Sub-section introduced by Government.)

*Mr. Bartley* said the sub-section dealt with the deprivation of equal rights respecting sea fisheries, and ought to be omitted.

*Mr. Morley* said the Government would insert after "birth" "or of business," and bring the section up amended on report.—*Amendment negatived*. June 23rd. Cols. 1794-1797.

Cl. 4, L. 1: New sub-section. "Affecting the remedies of any person aggrieved by anything done, or omitted to be done, in pursuance of any law made in contravention of this section."

*Viscount Cranborne* said every Court of Justice in Ireland would have to decide whether a particular law passed by the Irish Legislature was *ultra vires*. If the Courts were controlled by the Irish Legislature, it could alter their power and procedure and render the safeguards in Clauses 3 and 4 nugatory.

*Sir J. Rigby* said the Exchequer judges would decide these points, so the amendment was unnecessary. *Negatived*. June 23rd. Cols. 1798-1799.

That Clause 4, as amended, stand part of the Bill.

*Mr. Balfour* said the clause was most unsatisfactory and incomplete. Several questions had been held over until the report stage, and some of the clause was admittedly nonsensical. He wished to put one or two questions:—

- (1) Will Sub-sections (2) and (3) permit the Irish Legislature to vote money for the support of the two denominational training colleges?
- (2) Will this clause permit the Irish Legislature to establish a Catholic college or University?
- (3) If answer to No. (2) is in the affirmative, will this clause permit the Irish Legislature to establish, out of public funds, primary schools of a denominational character?

*Mr. Gladstone* said he could not deal with the University (2) as it could be looked at from so many sides. The answer to Question (1) is "Yes." They are excepted from the restrictions. Answer to No. (3). "The Government accepts in full the incompatibility of denominational schools in Ireland."—*Put and agreed to*. June 23rd. Cols. 1799-1827.

### *Executive Authority.*

- 5     5. (1) The executive power in Ireland shall continue vested in Her Majesty the Queen, and the Lord Lieutenant, on behalf of Her Majesty, shall exercise any prerogatives or other executive power of the Queen the exercise of which may be delegated to him by Her Majesty, and shall, in Her Majesty's name, summon, prorogue,
- 10 and dissolve the Irish Legislature.

(2) There shall be an Executive Committee of the Privy Council of Ireland to aid and advise in the Government of Ireland, being of such numbers, and comprising persons holding such offices, as Her Majesty may think fit, or as may be directed by Irish Act.

- 15     (3) The Lord Lieutenant shall, on the advice of the said Executive Committee, give or withhold the assent of Her Majesty

to Bills passed by the two Houses of the Irish Legislature, subject nevertheless to any instructions given by Her Majesty in respect of any such Bill.

*Cl. 5, L. 6* : After "Lieutenant" insert "or other chief executive officer or officers for the time being appointed in his place."

*Mr. Fisher* said all Acts had a definition clause. Who was to take the place of the Lord Lieutenant if he was ill? He hoped two or three judges would not be appointed by the Irish Legislature to take the Lord Lieutenant's place, as the Irish Legislature would control them and so control the veto.

*Mr. Gladstone* said it was already provided for, as by the Act of 1889 the "Lord Lieutenant" shall mean: "The Lord Lieutenant of Ireland or other Chief Governor or Governors of Ireland for the time being." The Viceroy will be strictly under Imperial Parliament. He admitted that the duties in future would be more important, and any change necessary would be undertaken by Imperial Parliament.

*Mr. Balfour* said one of the chief objections to the Bill was the intolerable and hopeless position of the Lord Lieutenant. But the position of a committee in his place would be worse. The Lord Lieutenant derives his power from the Queen. The amendment aims at appointing someone to take his place, and at that someone getting his power also from the Queen.

*Mr. Gladstone* said the Viceroy would be appointed by the Queen, as also would anyone to take his place.—*Question put and agreed to.* June 28th. Cols. 245-251.

*Cl. 5, L. 6* : Leave out "on behalf of Her Majesty" and insert "with the approval of Her Majesty signified by a Secretary of State."

*Mr. Hanbury* wished to know if the Lord Lieutenant would act on the advice of the Irish or English Ministers in a constitutional way. Executives were sometimes independent of Legislatures. The Executive in Ireland would evidently be stronger than the Legislature, so the Executive authority should be clearly defined.

*Mr. Henage* had an amendment down, inserting "subject to the directions of Her Majesty, &c." When the Lord Lieutenant vetoed a Bill, he wished it to be clearly understood that the Lord Lieutenant was acting merely as the agent of Imperial Parliament.

*Mr. Bryce* said the amendment struck at the root of the Bill, and its scheme, *i.e.*, at the system of responsible government in Ireland. The amendment would maintain resistance to the legitimate wish of Ireland to look after her own affairs.

*Mr. Balfour* admitted freely that there would be friction if the Executive were dependent on Imperial Parliament; but would there not be more friction by leaving the Lord Lieutenant in his ambiguous position under the Bill?—*Rejected, 260 to 231.* June 28th. Cols. 251-279.

*Cl. 5, L. 8* : After "Queen" insert "other than the control of the land and sea forces."

*Mr. Hanbury* wished to know definitely what the position of the army in Ireland would be. The Commander-in-Chief would have nominal control, but if the Executive hampered and hindered him at every turn, his control would be made difficult. For instance, take the cases of billeting, carriages and means of transport, or riots. In all of these the Civil Authority would have control, and if that authority was under the Irish Legislature it might refuse to do these things. It might even do away with police and get a nice new cheap police in the army.

*Mr. Gladstone* said the military in Ireland was to be as much under the Viceroy as possible. In extreme cases they, of course, would be used to maintain order. The amendment was directly contrary to this, and so unacceptable.—*Rejected, 280 to 249.* June 28th. Cols. 279-294.



Cl. 5, L. 9 : After " Majesty " insert " acting on the advice of Her British Ministers by an Order in Council to be laid on the table of the House of Commons."

*Mr. Ambrose* said the amendment was to give the House of Commons some control over the prerogatives of the Crown which were to be delegated to the Lord Lieutenant. For instance, power over the army was to rest with the Lord Lieutenant. The Lord Lieutenant's advisers would be the Irish Cabinet, so really the army and navy would be in the hands of that Cabinet, unless the Imperial House of Commons had a say in the matter by means of his amendment. Was the prerogative of mercy to be in the hands of the Irish Legislature ? Could the Irish Legislature pardon attacks on landlords, &c., by means of the Royal prerogative ?

*Mr. Gladstone* said Her Majesty would act on the advice of her British Minister. The Irish Cabinet would have no access to her to give advice. The amendment would disparage the dignity of the Crown.

*Sir H. James* thought they had agreed some days previously that the words " Her Majesty by Order in Council " was to mean " Her Majesty on the advice of the Imperial Privy Council " (and not the Irish Privy Council). The question was how to make that clear.

*Sir J. Rigby* said the Government would introduce words, probably in the Interpretation Clause (Clause 39) to give effect to what *Sir H. James* suggested. As to Orders in Council being laid before Parliament, the Prime Minister will introduce words giving effect to this.—*Amendment by leave withdrawn.* July 3rd. Cols. 690-702.

Cl. 5, L. 10 : After " Legislature " insert " and every instrument conveying any such delegation of any prerogative or other executive power shall be laid upon the table of both Houses of Parliament."

*Mr. Gladstone* proposed this amendment as desired.

*Sir H. James* suggested that " as soon as conveniently may be " be added.—*Amendment, as amended, agreed to.* July 3rd. Cols. 702-703.

Cl. 5, L. 10 : New Sub-section (2). " For the due enforcement of any decision of the Privy Council, or of any decree of the Exchequer Judges, or of any Act of Parliament, the Lord Lieutenant, acting under instructions from Her Majesty, may appoint in each county of Ireland so many officers as he may deem necessary for the purpose, who shall be entitled in Ireland to all the privileges, immunities and powers, which a sheriff possesses by law."

*Viscount Wolmer* said the amendment was to preserve the supremacy of Imperial Parliament and provide for the carrying out of its wishes. Suppose the Privy Council disagreed with an opinion of the Irish Courts, what machinery was there to enforce the Privy Council's decision ? The same might be said of the Exchequer Judges and the Irish Legislature if they disagreed. What was there to enforce the judges' decision, or the Lord Lieutenant's for that matter. There were many things and phrases over which there might be different opinions, *i.e.*, " due process of law," " just compensation," &c.

*Mr. Gladstone* said the amendment was in the wrong place, as they had not yet passed that part of the Bill setting up a Privy Council and Exchequer Judges. Every officer (if the Bill passes) of the Irish Government will be bound to uphold the decisions of the Privy Council and Exchequer Judges. It was the same old story, distrust and unfounded distrust of the Irish Legislature.

*Mr. Chamberlain* said the independent States in America resisted the Federal Judges and jurisdiction. Why should not Ireland resist Imperial jurisdiction. *Mr. Dillon* had used words saying that when they (Nationalists) came into power they would remember those who had been the enemies of the people. Was the Prime Minister going to trust men like this with the peace and good order of Ireland.—*Rejected, 230 to 196.* July 3rd. Cols. 704-729.

Cl. 5, L. 10: New sub-section. "The Lord Lieutenant shall, whenever he considers it advisable by order, without any counter signature, direct the Royal Irish Constabulary to support the officers of the law in the execution of their duty."

*Viscount Wolmer* said the intention of the amendment was to ensure that the Royal Irish Constabulary should act under the direction of the Lord Lieutenant advised by Imperial Cabinet and not by Irish Cabinet.

*Mr. Gladstone* thought the intention of the amendment was carried out in Clause 29, Sub-section (2). If it were not, that Clause (29) was the proper place for the amendment.—*Amendment withdrawn.* July 3rd. Cols. 729-731.

Cl. 5, L. 10: New sub-section. "The Lord Lieutenant, acting under instructions from Her Majesty may appoint such person or persons in Ireland as he may deem to be necessary to represent Her Majesty and to direct and enforce on her behalf and in her name any Imperial right or interest."

*Mr. Carson* said this was to enable the law to be set in motion where Imperial matters were concerned. In the case of Imperial Revenue, the Imperial Government alone would be interested, and if there was a dispute between the Imperial and Irish Governments there would be no one to set the law in motion.

*Sir J. Rigby* said the amendment was in the wrong place. It was also covered by the Bill already. In any case the Imperial Parliament could appoint the necessary men by Act of Parliament. If there is an Irish Attorney-General who will accept no fees and do no work, the Lord Lieutenant will appoint another.—*Negatived.* July 3rd. Cols. 731-735.

Cl. 5, L. 10: After Sub-section (1), to insert "The Lord Lieutenant shall not exercise any of the prerogatives or powers, the exercise of which may be delegated to him by Her Majesty, in furtherance of, or in connection with, any of the matters with regard to which the Irish Legislature has not power to make laws, save so far as may be necessary to carry out any existing law or future Act of Parliament, including this Act."

*Mr. Brodrick* said the Lord Lieutenant would have to serve two masters, and so his powers ought to be closely scrutinised. The Lord Lieutenant should not use his prerogatives for purposes set in motion by the Irish Legislature, but with which it had no right to deal.

*Mr. Morley* referred Mr. Brodrick to Colonial Governors, who occupied a dual position. The Lord Lieutenant represents Her Majesty in relation to Irish Ministers. He will have to deal with some questions, which are withheld from Irish Legislature. His actual powers will be delegated to him by an instrument setting forth:

- (1) That in purely Irish affairs he will act on the advice of Irish Ministers (subject to any action taken in Imperial Parliament in restraint on that action).
- (2) In Imperial matters he will be guided by the instrument.

*Sir H. James* asked with whom was the Lord Lieutenant to take counsel? The Ministers in Dublin would be Irish, and as such would be pushing for their own interests, and for Irish interests. Would the Lord Lieutenant get counsel from the Imperial Cabinet? and if so, by what means? and who would be responsible in Imperial Parliament for his actions, when there was no longer a Chief Secretary for Ireland?

*Mr. Bryce* said:

- (1) The Lord Lieutenant will receive instructions from the Imperial Parliament telling him—
  - (a) In what cases he is to consult Imperial Government; and
  - (b) In what cases he is to act on his own responsibility.
- (2) The Lord Lieutenant when wanting advice will apply to the Minister who is looking after the department about which

advice is needed, *i.e.*, concerning police, he will go to the Chief Secretary, (but the Chief Secretary being no more, the police will be under the Lord Lieutenant himself, will be an Irish matter, and consequently he will act on his own responsibility); concerning trade or navigation, he will go to the Board of Trade, &c.

The Home Secretary will answer Irish questions in Imperial Parliament, but the Cabinet will be responsible for the actions of the Lord Lieutenant.

*Mr. Balfour* said if there was no Minister directly responsible how could they move a reduction in salary which was the accustomed method of criticising and discussing the wrong actions of a Minister?—*Rejected*, 274 to 247. July 3rd. Cols. 733-767.

*Cl. 5, L. 10*: After Sub-section (1), to insert "Provided that the prerogative of mercy shall not be exercised by the Lord Lieutenant, on behalf of Her Majesty, except upon the advice of Her Majesty's principal Secretary of State."

*Mr. Arnold Forster* said he supported his amendment on two grounds:

- (1) It was a matter of public importance that the prerogative of mercy should rest with the Imperial Parliament, because, a prisoner, if released, could go to any other part of the United Kingdom.
- (2) There was strong reason to believe (judging from past acts and past sayings of Irish members) that the Irish Legislature would abuse this prerogative, if they had it.

*Mr. Gladstone* said Imperial matters such as treason and treason-felony would not be touched by the Irish Legislature, and so the prerogative of mercy in such cases would not be touched either. All other cases, ordinary cases and trivial cases, would be treated by the Irish Legislature. It would be most inconvenient and absurd for the Home Secretary to be bothered with ordinary and trivial cases.

*Sir H. James* said the Lord Lieutenant now could set free all the prisoners in Ireland, on the advice of an English Minister. He wished that to be left absolutely alone as it was now. As the Bill set forth, the Lord Lieutenant would act with the Irish Executive Council; if he differed from them, he would have to yield, and so the Executive Council would command this prerogative of mercy.

*Mr. Balfour* said that he, when he was Chief Secretary, never advised the Lord Lieutenant in the matter of his prerogative of mercy, as he held it to be outside his (Mr. Balfour's) functions. The Lord Lieutenant in those days acted on his own responsibility entirely, although he probably consulted the judge of the case and the Lord Chancellor. His suggestion was that "the prerogative of mercy be exercised by the Lord Lieutenant, as representing Her Majesty," words which, by the Definition Clause, are to be declared to mean that he is to act as a functionary and representative of the Irish Cabinet; not of the English or Irish Administration, and not of the Home Secretary.

*Lord R. Churchill* said he would move an amendment to the amendment, namely: Leave out from "shall" to the end, and insert after "shall" "be exercised by the Lord Lieutenant as representing Her Majesty."

*Sir J. Rigby* said this in substance was the same as the original one, and the Government could accept neither. The Lord Lieutenant would be advised:

- (1) By his Executive in Ireland, or
- (2) By the Secretary of State, or
- (3) The Secretary of State in England, in serious matters.

In other matters he would consult no one.—*Rejected*, 293 to 259. July 3rd and 4th. Cols. 767-769 and 825-852.

*Cl. 5, L. 10*: New sub-section. "The chief executive officer, or officers, who shall, for the time being, act in the place of the Lord Lieutenant, shall be appointed by Her Majesty the Queen in Council."

*Mr. Fisher* said this was important. The Prime Minister had said the proper time to provide for the Lord Lieutenant's successors would be

after the Bill was passed, when they appointed the Lord Lieutenant. He thought now was a better time.

*Mr. Gladstone* said the words "in Council" were inappropriate. Some of the amendment was worthy of consideration, but the amendment did not touch the important point of all, *i.e.*, "putting the veto in commission."—*Rejected*, 283 to 248. July 4th. Cols. 852-855.

*Cl. 5, L. 11*: Before "There" insert "After six years from the appointed day."

*Sir H. James* said the Bill already kept several matters in Imperial hands for some years, *i.e.*, land, police, collection of taxes, and appointment of judges. He wished the Executive Government of Ireland to be Imperial for six years, to see how Ireland got on to begin with under the new system before they handed over the Executive Government to them.

*Mr. Gladstone* said this amendment would wreck the Bill, as the Irish would not accept it under those conditions. Who would pay for the men the Imperial Parliament would have to send over to manage the Executive?—*Rejected*, 187 to 142. July 4th. Cols. 855-866.

*Cl. 5, L. 11*: Leave out "an Executive Committee of the Privy Council" and insert "a Cabinet."

*Mr. Parker Smith* said owing to pressure of time he did not propose to move this.—July 4th. Col. 866.

*Cl. 5, L. 11*: Leave out "Executive" and insert "Consultative."

*Capt. Naylor Leyland* said that the executive power in Ireland was to be vested in the Lord Lieutenant, and so he wished the various heads of the department to be a consultative body to advise the Lord Lieutenant. He quoted the Constitution of Croatia as a precedent.

*Mr. J. Morley* said this amendment would make the Executive a set of dummies. There was no parallel for the amendment except perhaps in "Croatia."

*Sir R. Temple* begged to differ. The Secretary of State for India was a powerful executive officer advised by a consultative committee.—*Rejected*, 215 to 167. July 4th. Cols. 866-879.

*Cl. 5, L. 13*: Leave out from "being of" to "Irish Act" and insert "such persons as Her Majesty may from time to time think fit and direct."

*Sir H. James* said his amendment was to enact that persons should be chosen by the Crown only, and not that offices should be chosen by the Crown or by Irish Act of Parliament, and the holders of such offices from the Executive:

(a) Why pick certain people because they held a certain chosen office? Why not pick individuals according to merit?

In the case of a rebellion, they would want an experienced military officer, but could not choose him, because he was not one of the chosen office holders.

(b) It was an insult to the Crown to prevent it choosing its own advisers.

Besides the Crown could veto, and if the Irish Act selected certain men, the Crown would veto the Act and select others. Why raise up conflict between the two?

*Sir J. Rigby* said the amendment was absurd, as it meant the Irish Legislature could not appoint its own Ministers. It was palpable that what was meant was that it was Her Majesty in default of an Irish Act, *i.e.*, that Her Majesty should start the procedure in the first instance, and that afterwards the Irish Legislature should perform the function.

*Sir H. James* said the Government might have intended that meaning to attach to the clause, but it certainly did not.—*Rejected*, 262 to 229. July 4th. Cols. 879-894.

Cl. 5, L. 13 : After " offices " insert " under the Crown."

Mr. G. Balfour moved the amendment.

Mr. J. Morley accepted the amendment—July 4th. Col. 895.

Cl. 5, L. 14 : Leave out " or as may be directed by Irish Act."

Marquis of Carmarthen said the Irish Legislature would have too extensive powers in forming and appointing their Cabinet to be likely to make the said Cabinet fit in well with Imperial supremacy. There was no mention of the Irish Legislature having this power in the 1886 Bill, why in this ?

Sir J. Rigby said as long as an Irish Act does not intervene. Her Majesty may, from time to time, fix the numbers and offices referred to in the Clause.

Sir H. James said according to the Solicitor-General the Irish Legislature had only to pass an Act, and Her Majesty's power on this subject would be gone, and " from time to time " in this sub-section wiped out. So the only power the Sovereign would have would be to veto the Irish Act, bringing this about. Was this a wise step, to positively ask for the veto, which would lead to such friction ?—*Negatived*. July 4th and 5th. Cols. 895 and 898-918.

Cl. 5, L. 14 : At end, add " Provided that no member of the Executive Committee shall sit or vote in either House of the Irish Legislature while he continues a member of the said Committee."

Mr. G. Balfour said in America no officer of the Government could sit in either House of Congress or in any of the State Legislatures. He wished this system set up in Ireland, *i.e.*, that the Executive should be responsible to the Lord Lieutenant, and not to the Irish Legislature, and to secure that this be a permanent state of things.

(a) The necessity, for a successful working of the Cabinet system was two great parties with something like a balance of power. In Ireland they would not have this.

(b) The advantage of the Cabinet system was the maintenance of harmony between the Legislature and the Executive. How could this come about in Ireland where the Lord Lieutenant was to act sometimes on the advice of Irish Ministers, sometimes of Imperial Executive and sometimes on his own responsibility ? If he acted on advice of Imperial Parliament and quarrelled with Irish Ministers they would resign, and there would be no hope of any other Government commanding a majority. What would happen in a deadlock like this ?

Mr. Gladstone said they had tried the system suggested by the amendment in England and it had failed (1705), while the system in the Bill had been successful.—*Negatived*. July 5th. Cols. 919-930.

Cl. 5, L. 14 : New Sub-section (3). " There shall be a Secretary of State for Ireland, who may be a member of either House of Parliament, and who shall, by virtue of his office, be a member of the said Executive Committee of the Privy Council of Ireland."

Mr. Bolton said the subjects remaining under the control of Imperial Parliament were so numerous and difficult that it was most desirable that they should be in the hands of a responsible Minister. There was a Secretary for Scotland and one for India. One for Ireland was more necessary still.

Mr. Morley said the amendment was ridiculous. This Secretary might be a member of the House of Lords or Commons, or neither, but must be a member of the Executive Committee in Ireland. Probably he would be in direct antagonism to the Irish Executive, *i.e.*, the Irish Cabinet.

Mr. Goschen pressed for a definite answer as to who was going to answer questions, &c., on Irish subjects in this Imperial Parliament. Was it to be someone who knew anything about Ireland or not? Mr. Morley had said "presumably" it would be the Home Secretary.

Mr. Morley said presumably it would be the Home Secretary. The Government would be responsible, and from time to time, according to business, appoint Ministers to deal with Irish affairs.—*Rejected*, 274 to 229. July 5th. Cols. 930-941.

*Cl. 5, L. 15*: Leave out Sub-section (3) and insert instead "Every Bill which has been passed by the two Houses of the Irish Legislature shall be presented for Her Majesty's assent to the Lord Lieutenant, who shall declare according to his discretion, but subject to the provisions of this Act and to such instructions as may from time to time be given in that behalf by Her Majesty, either that he assents to such Bill in Her Majesty's name, or that he withholds such assent, or that he reserves such Bill for the signification of Her Majesty's pleasure thereon, or that he will be prepared to assent thereto, subject to certain amendments to be specified by him."

Mr. Bousfield said this amendment was the form taken by all Colonial Legislatures from 1843 to 1885. By the Bill the Lord Lieutenant would have no *locus standi* to refer a Bill home to Her Majesty, but would have to act on advice of Executive Committee.

Mr. Morley: The Government did not encumber the clause with powers of reservation, because they were unnecessary owing to the proximity of Ireland to England and the easy means of communication. The Lord Lieutenant could get his answer as to the opinion of Imperial Parliament, or rather of the Cabinet, by return of post.

Mr. Goschen said there were a number of subjects reserved to the Imperial Parliament. It would be extremely hard for the Lord Lieutenant to decide on the spot whether some questions come under the reserved subjects or not. Also there is no machinery provided for bringing a disputed matter before Imperial Cabinet. When Imperial Parliament is not sitting and the Cabinet is scattered, what is the Lord Lieutenant to do if he has no power of reservation?

Mr. Morley said there were subjects reserved to Imperial Parliament. Over those the Irish Legislature cannot legislate, and if they do the Lord Lieutenant can have no doubt about withholding his consent. Very few questions will be Cabinet ones: if one does crop up, the Cabinet will have to be summoned. Most questions, however, will be dealt with by the Minister in charge.—*Rejected*, 261 to 219. July 5th. Cols. 941-950.

*Cl. 5, L. 15*: Leave out "on the advice of the said Executive Committee."

Viscount Wolmer said these words were not in the 1886 Bill, nor were they in any of the Colonial Acts dealing with the action of the Governors. Why were they in here?

Mr. Gladstone said the words were the carrying out of the principle all through the Bill of the division between local and Imperial matters.

Sir H. James said the Executive will represent the majority in the Irish Legislature, because that Legislature will choose it. It will be all-powerful, because it will exercise the veto by means of this sub-section, because the Lord Lieutenant exercises the veto on the advice of this Executive. Will the men who have carried the Bill give the Lord Lieutenant impartial advice?

Mr. Gladstone said the Bill intended to allow Ireland to look after its local affairs. If it abused that power the Imperial Parliament would interfere by means of the veto. The members of the Government had never said the veto was the only safeguard. There were safeguards besides, *i.e.*, the responsibility of the Viceroy, the responsibility of the Imperial Government, and then the action of the Imperial Parliament. The Viceroy will act upon instructions from this country when the occasion arises.—*Rejected*, 290 to 248. July 6th. Cols. 978-1006.

*Cl. 5, L. 17* : After " Bills " insert " or any part thereof."

*Viscount Cranborne* said the Irish Legislature would adopt every means in their power to escape the veto, and one method would be that of " tacking." They would add the obnoxious provisions to other good and necessary Bills.

*Mr. Gladstone* said the amendment was mischievous and wasted time. The Crown only said " Yes " or " No " to a Bill, and never discriminated. Matters of difference in the Bill should be discussed between the parties and settled before the Royal Assent is asked for.

*Sir H. James* said if the amendment was rejected, the Lord Lieutenant would either have to assent to illegal clauses in a Bill or reject a good Bill with one bad illegal clause in it. Why not accept an amendment further down on the paper, which would probably not be reached, but which said that if a part of a Bill were passed by the Lord Lieutenant, it should not become law until it had again been submitted to and assented to by the Irish Legislature?—*Rejected, 231 to 185.* July 6th. Cols. 1797-1017.

*Cl. 5, L. 17* : After " Legislature " insert " or if it shall appear that it is matter of doubt whether any such Bill is beyond the powers of the Irish Legislature, may reserve the assent of Her Majesty until such time as the question has been determined by the Judicial Committee of the Privy Council as hereinafter provided."

*Mr. Parker Smith* said the Irish Legislature was to sit while Imperial Parliament was not sitting. Many questions of doubt might arise, and it might take weeks to collect the Privy Council and decide these questions of doubt. The Lord Lieutenant should have some power of reservation. This actual power of reservation was in the 1886 Bill. Why not in this ?

*Sir J. Rigby* said Clause 23 provided a means of consulting the Privy Council. The Government had followed the experience of Canada, *i.e.*, that if there was reasonable doubt, the Royal Assent was given, and the Courts decided the doubt in a legitimate manner.—*Negatived.* July 6th. Cols. 1017-1024.

*Cl. 5, L. 19* : New Sub-section (4). " Whenever any Bill, which shall have been presented for Her Majesty's assent to the Lord Lieutenant, shall by the Lord Lieutenant have been assented to in Her Majesty's name, the Lord Lieutenant shall forthwith transmit to one of Her Majesty's Principal Secretaries of State an authentic copy of such Bill so assented to ; and it shall be lawful at any time within 18 months after such Bill shall have been so received by the Secretary of State for Her Majesty, by Order in Council, to declare her disallowance of such Bill ; and such disallowance together with a certificate under the hand and seal of the Secretary of State, certifying the day on which such Bill was received as aforesaid, being signified by the Lord Lieutenant to the Irish Legislature, by speech or message to the said Legislature, or by proclamation in the Irish Government Gazette, shall make void and annul the same from and after the day of such signification."

*Viscount Wolmer* said this amendment :

- (1) Was taken word for word from Colonial Constitutional Acts, *i.e.*, British North America Act, New South Wales, Van Dieman's Land, Australian Colonies and Cape of Good Hope. The chief Secretary (Mr. Morley) had been a leading member of the Committee which went into the Western Australia Constitution Act in 1890, and admitted the insertion of these words.
- (2) It had been acted upon again and again with great benefit to Imperial legislation

- (3) In the opinion of Lord Thring, a supporter of the Government's Irish policy and draughtsman of the 1886 Bill, the position of Viceroy in Ireland would be similar to that of a Colonial Governor.

*Sir J. Rigby* said this was unnecessary in the case of Ireland, as Ireland was so close to England. This Bill had a better expedient whereby the Act would be brought before the Privy Council at once and decided at once.

*Mr. Balfour* said he did not see how the prerogative of the Crown could be exercised in some cases until they had seen how the Bill worked. This reservation of 18 months was allowed in the case of Canada; *Sir J. Rigby* said it was unnecessary in the case of Ireland, Ireland being so close. Canada was only 10 days from England. If 18 months was allowed in Canada, why should no time be allowed in Ireland, which was only 12 times closer.—*Rejected, 324 to 286. July 6th. Cols. 1025–1031.*

Closure applied in conformity with Order of the House of 30th June, and Clause 5, as amended, passed without further debate.

Clauses 6, 7 and 8 also passed under Closure.

—July 6th. Col. 1031.

### *Irish Representation in House of Commons.*

9. Unless and until Parliament otherwise determines, the 25 following provisions shall have effect—

- (1) After the appointed day each of the constituencies named in the Second Schedule to this Act shall return to serve in Parliament the number of members named opposite thereto in that schedule, and no more, and Dublin University shall cease 30 to return any member.
- (2) The existing divisions of the constituencies shall, save as provided in that schedule, be abolished.
- (3) An Irish representative peer in the House of Lords and a member of the House of Commons for an Irish constituency 35 shall not be entitled to deliberate or vote on—
  - (a) any Bill or motion in relation thereto, the operation of which Bill or motion is confined to Great Britain or some part thereof; or
  - (b) any motion or resolution relating solely to some tax not raised or to be raised in Ireland; or
  - (c) any vote or appropriation of money made exclusively for some service not mentioned in the Third Schedule to this Act; or
  - (d) any motion or resolution exclusively affecting Great Britain or some part thereof or some local authority or some person or thing therein; or
  - (e) any motion or resolution, incidental to any such motion or resolution as either is last mentioned, or relates solely to 10 some tax not raised or to be raised in Ireland, or incidental to any such vote or appropriation of money as aforesaid.
- (4) Compliance with the provisions of this section shall not be questioned otherwise than in each House in manner provided by the House. 15
- (5) The election laws and the laws relating to the qualification of parliamentary electors shall not, so far as they relate to parliamentary elections, be altered by the Irish Legislature, but this enactment shall not prevent the Irish Legislature from dealing with any officers concerned with the issue of writs of 20



election, and if any officers are so dealt with, it shall be lawful for Her Majesty by Order in Council to arrange for the issue of such writs, and the writs issued in pursuance of such Order shall be of the same effect as if issued in manner heretofore accustomed.

*Cl. 9, L. 25* : Leave out from “ Unless ” to “ determines.”

*Mr. Ambrose* begged to move his amendment.

*Mr. Balfour* said there were three alternatives in dealing with this complicated clause :—

- (1) Whether Irish members are to be in Parliament at all.
- (2) Whether Irish members are to be limited to the subjects on which they vote, if they are in Parliament.
- (3) Whether Irish members are to be in Parliament for all purposes.

*Sir H. James* said this was a most important question and he thought it wrong that the Committee should approach it fettered by these first words, *i.e.*, that anything decided upon would be temporary only.

*Mr. Gladstone* said these words were inserted in the 1886 Bill. At that time *Mr. Parnell* said, and the Government understood the general view and opinion to be, that this question of the Irish members was an English question and hardly concerned Ireland. Therefore these words were introduced.—July 7th and 10th. Cols. 1114–1119 and 1160–1163.

*Cl. 9, L. 27* : Leave out Sub-sections (1) and (2).

*Mr. Redmond* said the point was :—

- (1) Is the number of Irish members to be retained in Imperial Parliament to be the same as now ?
- (2) Is the number to be reduced to 80, as in the schedule of the Bill ?

He was taking it for granted that they were to be retained in some form, as their retention was necessary, when the Imperial Parliament had retained power over so many Irish questions, *i.e.*, land, police, judicial appointments, and finance, for six years. Under these circumstances he did not think the Irish members should be reduced by one man in Imperial Parliament. He and the other Irish members would resist any attempt to reduce their number.

*Mr. Gladstone* said the Government, and he thought everyone, now agreed that some Irish members should be retained, but the Government did not think the 103, as at present, should be, but that 80 should be, which was the number corresponding with the population. When in 1885 redistribution took place in England, the Government did not touch Ireland, because she was fighting the battle of her country, and it would have been odious to reduce her representation at that moment. Now the proportion of her representation has become gross, as her population has gone down while Great Britain's has gone up. Therefore, the Government have decided to make her representation more equal and bring it down to 80. (After considerable discussion on the actual meaning of the amendment, the Chairman ruled that the question before the Committee was whether there were to be 80 or 103 members).—*Amendment defeated by 14.* July 10th. 280 to 266. Cols. 1168–1192.

*Cl. 9, L. 27* : Leave out from “ day ” to end of Sub-section (2) and insert “ Ireland shall cease to return members to the House of Commons, and the persons who on the said day are such members shall cease to be members of the House of Commons.”

*Mr. Henegge* asked why the Prime Minister had changed his opinion since 1886, when he advocated this ? Why should Ireland manage her own affairs and English, Scotch and Welsh affairs as well ? If the supremacy of Imperial Parliament had been secured by this Bill, then Unionists might have voted for the retention of Irish members.

*Mr. Gladstone* said he was sure the country wished the Irish members retained, and the great point in favour of their retention was that it guaranteed the supremacy of Imperial Parliament and exhibited it to all the world.

*Mr. Hobhouse* said "from the first moment of this proposal of an Irish Parliament was made, he had been opposed, root and branch, to every form of such proposal." But if it was to be, he supported the exclusion of the Irish.

*Mr. Chamberlain* said *Mr. Gladstone* had always said that this question was a question for the English, Scotch and Welsh electors; will the Government use their influence with the Irish and let the British members settle this question?

*Mr. Balfour* said he would support the amendment, not because he liked it, but because he thought it the best of the three bad alternatives. Would the Prime Minister let the English and Scotch members decide the amendment?

*Mr. Gladstone* said a reference to the judgment of Parliament is the way to obtain the verdict of Great Britain.

*Mr. Balfour*: "Is the right way to test the rights of Great Britain, as distinguished from the rights of the United Kingdom, to go to the votes of the United Kingdom and ignore the votes of Great Britain?"—*Rejected*, 240 to 209. July 10th. Cols. 1192-1245.

Cl. 9, L. 27: After "day" insert "existing constituencies shall be abolished, and a number of members shall be returned from Ireland to serve in Parliament bearing the same proportion to the total number of members as the contribution of Ireland fixed in this Act bears to the total Imperial expenditure."

*Sir J. Lubbock* said Ireland would bear one-fortieth part of the burden and have five-fortieths of the power. To judge representation by population was all very well, when the Parliament had to decide all details of life, from smallest to largest: but in this case the Irish Legislature would do that for Ireland and the Imperial Parliament would have no say in the matter, and yet the Irish were to have this large representation in Imperial Parliament, and be allowed to interfere with the details of life in Britain. Thirty or forty Irish members would be sufficient.

*Mr. Gladstone* said they did not deal nowadays with £ s. d., but with human beings. Why should not the poor Irishman have as much power over the National Debt and Army expenditure as the poor Englishman?

*Mr. J. Chamberlain* said the question was: "Is Ireland as a whole to be relieved of her fair share of taxation in order that Great Britain as a whole may pay a great deal more?"—*Negatived*. July 11th. Cols. 1255-1304.

Cl. 9, L. 27: After "constituencies" insert "hereinafter."

*Sir Charles Dilke* said the redistribution scheme of this Bill upset the agreement of 1884. Under this Bill nine counties were to return three members each in a single constituency, doing away with the almost universal creation of single-member districts, no doubt to save the expense of a Boundary Commission. This Bill also destroyed the existing balance between county and borough representation, as it took away 21 county seats and no borough ones, although five small borough seats should have gone first. Co. Down had three members for 38,000 electors. Kilkenny, Newry and Galway had only 1,900 electors each.

*Mr. Gladstone* said this plan in the Bill was only a rough one. The Government could not found itself upon the existing divisions of counties, because the Irish Legislature might divide the counties for representation in Dublin in a different way to which the Government divided them for representation in Imperial Parliament. So the Government adopted this plan, fair to both parties, until the whole question of redistribution could be thrashed out, as it must be soon.

*Mr. Goschen* asked how *Mr. Gladstone* could say there was no taint in the plan when Dublin University was to be disfranchised, and the Government was thereby to gain two seats.—*Rejected*, 212 to 182. July 11th. Cols. 1304-1325.

Cl. 9, L. 28: Leave out "Second" and insert "First."

*Mr. Seton Karr* said this amendment would retain 48 members in Imperial Parliament and he thought that was enough.

*Mr. Rentoul* enumerated four ways of determining representation and the numbers of members each would give:—

(1) Population—74 members. (Taking away five University English members as the Irish University ones were taken away.)

(2) Income taxation—40 members.

(3) Probate and death duties—39 members.

(4) According to contribution to Defence and National Debt—26 members.

Add together and divide by four and the average would be 46.

*Mr. Morley* said the amendment was out of the question. The first schedule is £20 rating qualification for the Legislative Council. Can that be applied to the representation of Ireland in this House, i.e., Imperial Parliament?

(*Quarrel in the House. Chairman requested Mr. Sexton to leave, and he eventually did.*)

—*Rejected, 251 to 218. July 11th. Cols. 1325-1357.*

Cl. 9, L. 30: After "more" insert "the Royal University of Ireland shall return two members."

*Mr. Rentoul* said there were two Universities in Ireland: (1) Dublin, and (2) the Royal. It was important that that University should have representation, just as much as labour and shipping and agriculture had representatives to forward their claims. Irish Universities and their degrees stood lower than English ones, because they had no representation in Parliament.

*Mr. Morley* said the amendment was absurd. The mover's chief argument was that if a university has Parliamentary representation it attracts more young men and so would keep more students in Ireland who otherwise would come to England.—*Rejected, 255 to 226. July 11th. Cols. 1357-1362.*

Cl. 9, L. 30: Leave out "and Dublin University shall cease to return any member."

*Mr. Parker Smith* said University representation was an old Radical theory. Why had Radicals changed? Was it because University members had lately been against them?

*Mr. Redmond* said he would vote for the amendment, because it gave two extra members to Ireland, and the more there were the better he would be pleased. He wanted more than 80, even if he could not have 103.

*Mr. Morley* said the Government opposed the amendment. The function of Dublin University has been to find seats for Tory law officers. The representation has hardly ever varied. Ireland needs varied representation, and if the University promised that he would not object to the amendment.

*Mr. Plunkett* said University representation had existed for 2½ centuries, and for those 2½ centuries there had been an increasing weight of authority for increasing and not decreasing their representation. Each University (Dublin) member had 2,200 electors, while Galway had 1,905, and Newry 1,847, and all the University electors could read and write. There were 280,000 Unionist electors outside Ulster, and if the University members were done away with, these electors would only return one member.

*Mr. Gladstone* said University members had been eloquent and learned; but they had not been returned because of that, but because of their political views. He was against all University representation, and if they had it, they should have other class representation as well. He had not singled out Dublin University, as he had been accused of doing, but as the question of that University naturally arose in this Bill, and the other Universities did not, he had dealt with Dublin. If in future a Bill was introduced to remove other University members, he would vote for it.

*Mr. Curson* asked why the Government were going to render Trinity College, Dublin, inferior to other Universities, at a time when they did not intend to reconsider the whole question of University representation. Let them reconsider the whole question and either take away University representation altogether or not at all. The truth was that Dublin University was being attacked by the hierarchy in Ireland, and the Government had to bow the knee to this hierarchy, which desired not only the suppression of the loyal minority in Ireland, but its extinction. —*Rejected, 280 to 248. July 11th and 12th. Cols. 1362-1365 and 1381-1418.*

*Cl. 9. L. 34 : Leave out Sub-sections (3) and (4).*

*Mr. Gladstone* said he had been blamed for not choosing outright a definite course with regard to this question, *i.e.*, whether the Irish members were to have unlimited or limited powers of voting in Imperial Parliament. He had not chosen a course, because he was not sure what course even his own supporters favoured. Therefore, he would leave it to the judgment of the House. But from signs he had noticed of late, *i.e.*, after the Bill had been published, he thought a majority of members of all parties favoured the unlimited vote. To introduce a member with limited votes would be a huge innovation. On the other hand, with unlimited votes it was said the Irish members (four-fifths of whom would be Nationalists) would give a very limited representation to others in Imperial Parliament. He did not agree with this latter statement. When the universal question of Home Rule itself was once settled, he thought other sections of opinion would appear, which would make the representation more equal. Besides, he thought the plan in Sections 3 and 4 (*i.e.*, limited votes) passed the wit of man to put into execution.

*Mr. Balfour* said Mr. Labouchère had asked for his views on the whole question of the retention of Irish members. He would gratify his wish, although at the same time making it understood that he did not think it was his business to propose a solution for a part of a Bill which he had had no part in drawing up. It was his view that the question was incapable of solution. Both alternatives were open to such grave objections, fundamental objections at that, that total exclusion of the Irish members was the only possible scheme left—

(a) To take the limited vote scheme : the objections to it are three :—

- (1) It must shatter, or threaten, the ordinary procedure of Parliament with many difficulties.
- (2) It must lead to constant intrigue with the Irish members.
- (3) It must shatter the Cabinet system.

(b) To take the unlimited vote scheme : objections to it are :—

- (1) It must shatter representative government ; because the Irish members will sit here, talk about and vote about affairs which do not concern them, and at the same time have absolute control over their own affairs without intervention from any other part of the United Kingdom.
- (2) It will mean that the Irish members use their votes, not for British interests, but to upset or establish Ministers, as best may serve the interests of Ireland.

*Mr. Chamberlain* recalled to Mr. Gladstone his statement (Mr. Gladstone's) that this question was a question for the British electors. What did he mean ? Not a dissolution ? But the only other way for the British electors to decide was by a division of their members. On the question of total exclusion of the Irish members, the Government had a majority of 31. But leaving out the Irish members there was a majority against the Government of 29. So much for the British electors' opinion. —*July 12th and 13th. Cols. 1418-1428 and 1485-1545.*

Debate on Clause 9 interrupted by Closure, and that clause and others up to and including Clause 26 dealt with under Closure.

—*July 13th. Cols. 1545-1547.*

27. (1) All existing judges of the Supreme Court, county court judges, and Land Commissioners in Ireland, and all existing officers serving in Ireland in the permanent civil service of the Crown and receiving salaries charged on the Consolidated Fund of the United Kingdom, shall, if they are removable at present on address from both Houses of Parliament, continue to be removable only upon such address, and if removable in any other manner shall continue to be removable only in the same manner as heretofore; and shall continue to receive the same salaries, gratuities, and pensions, and to be liable to perform the same duties as heretofore, or such duties as Her Majesty may declare to be analogous, and their salaries and pensions, if and so far as not paid out of the Irish Consolidated Fund, shall be paid out of the Exchequer of the United Kingdom: Provided that this section shall be subject to the provisions of this Act with respect to the Exchequer judges.

(2) *If any of the said judges, commissioners, or officers retires from office with the Queen's approbation before completion of the period of service entitling him to a pension, Her Majesty may, if she thinks fit, grant to him such pension, not exceeding the pension to which he would on that completion have been entitled, as to Her Majesty seems meet.*

*Cl. 27, L. 2:* Leave out "and Land Commissioners in Ireland."

*Mr. Sexton* said the Land Purchase Act of 1891 enacted that these Commissioners:—

(1) Be paid out of Imperial Consolidated Fund.

(2) Have judicial term of office; and

(3) Only be removed from office on an address from both Houses.

These methods were continued by this Home Rule Bill by this clause, with the effect that the Irish Legislature would have no power to modify or alter their functions and duties. He wished these words left out, so that the status of these Commissioners should remain the same unless altered by Irish Act. How could the Irish Government secure efficiency in the duties of these men if these men were responsible to Imperial Parliament.

*Mr. Morley* said *Mr. Sexton* seemed to forget that these Commissioners would administer the law; and, so, if the Irish Legislature changed the law, say, one of the Land Laws, the Commissioners would have to administer it as changed.—*Amendment withdrawn.* July 17th. Cols. 1714–1723.

*Cl. 27, L. 2:* After "Ireland" insert "Clerks of the Crown and Peace appointed under 'The County Officers and Courts of Ireland Act, 1887.'"

*Mr. Ston Karr* said these officials ought to have their vested interests safeguarded. They were permanent civil servants, paid by Parliamentary vote. They had had to give up their solicitors' practice, and were dependent on the carrying out of the 1877 Act.

*Mr. Morley* quite agreed, but said this was the wrong place. The Government had an amendment on the paper safe-guarding these officials as well as others connected with law courts and Dublin police magistrates.—*Amendment withdrawn.* July 17th. Cols. 1723–1730.

*Cl. 27, L. 11:* After "Majesty" insert "in communication with the Irish Government."

*Mr. Sexton* said the country which paid the salaries of judges, &c., should be consulted.

*Mr. Morley* agreed, but objected to the wording. He said he would consider the case and insert words at another part of the clause having the desired effect.—*Amendment withdrawn.* July 17th. Cols. 1733–1736.

Cl. 27, L. 12 : After "salaries" insert "emoluments."

*Mr. Balfour* wished to know how the salaries of those appointed before 1877 were to be secured, as these salaries were dependent on sources other than Parliament.

*Mr. Morley* said "salary" included "emoluments." In 1877 these offices, previously remunerated by fees, became freehold offices. A freehold office was properly protected by Clause 4.—*Amendment withdrawn.* July 17th. Cols. 1736-1741.

Cl. 27, Ll. 12 and 13 : Leave out "if and so far as not paid out of the Irish Consolidated Fund."

*Mr. Morley* said this would enact that salaries and pensions would be paid out of Exchequer of the United Kingdom. After the amendment had been accepted, he would move a further one, "by which the Irish Exchequer would pay back such money to the United Kingdom Exchequer."

*Mr. Chamberlain* asked what security the British taxpayer would have that he would get back the money he had paid from the Irish Exchequer.

*Mr. Sexton* said Clause 14.—*Amendment agreed to.* July 17th. Cols. 1741-1744.

Cl. 27, L. 21 : New Sub-section (3) : "This section shall apply to existing officers serving in the permanent Civil Service of the Crown, who, although receiving salaries out of money provided by Parliament, are removable only for misconduct or incapacity."

*Mr. Morley* said this was to provide that existing officers in permanent civil service of the Crown should only be removable for incapacity or misconduct.

*Mr. Sexton* moved an amendment to the amendment to insert at beginning "Sub-section (1) of."

*Mr. Balfour* objected, and said it was impossible to distinguish between these officials and the Commissioners in Section 2.

*Mr. Sexton* said these officers could refuse or not to serve the new Government, but if they refused, he objected to their getting the same pension as if they had served their full time.

*Mr. Balfour* said by this amendment they were excluding Bankruptcy judges from privileges enjoyed by other judges.

*Mr. Morley* admitted this, and said he would look into it before Report, and amend it so that all judges have same privileges.—*Amendment agreed to.* July 17th. Cols. 1745-1747.

Cl. 27, L. 21 : At the end of Sub-section (3), to add "and all Clerks of the Crown or Clerks of the Peace appointed previous to the 14th day of August, 1877."

*Mr. Plunkett* said these officers were deserving of proper consideration. He did not trust the statement that Clause 4 safeguarded them, as he did not think an office was property.

*Mr. Morley* said these officers hold a freehold office. If the officers were disturbed, just compensation must be given, and Clause 4 did safeguard them.—*Negatived.* July 17th. Cols. 1769-1773.

28. (1) All existing officers in the permanent civil service of the Crown, who are not above provided for, and are at the appointed day serving in Ireland, shall after that day continue to hold their offices by the same tenure and to receive the same salaries, gratuities, and pensions, and to be liable to perform the same duties as heretofore or such duties as the Treasury may

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declare to be analogous; and the said gratuities and pensions, and until three years after the passing of this Act, the salaries due to  
30 any of the said officers if remaining in his existing office, shall be paid to the payees by the Treasury out of the Exchequer of the United Kingdom.

(2) Any such officer may after three years from the passing of this Act retire from office, and shall, at any time during those  
35 three years, if required by the Irish Government, retire from office, and on any such retirement may be awarded by the Treasury a gratuity or pension in accordance with the Fifth Schedule to this Act; Provided that—

40 (a) six months written notice shall, unless it is otherwise agreed, be given either by the said officer or by the Irish Government as the case requires; and

(b) such number of officers only shall retire at one time and at such intervals of time as the Treasury, in communication with the Irish Government, sanction.

(3) If any such officer does not so retire, the Treasury may award him after the said three years a pension in accordance with the Fifth Schedule to this Act which shall become payable to him on his ultimate retirement from the service of the Crown.

5 (4) *The gratuities and pensions awarded in accordance with the Fifth Schedule to this Act shall be paid by the Treasury to the payees out of the Exchequer of the United Kingdom.*

(5) All sums paid out of the Exchequer of the United Kingdom in pursuance of this section shall be repaid to that Exchequer  
10 from the Irish Exchequer.

(6) This section shall not apply to officers retained in the service of the Government of the United Kingdom.

*Cl. 28, L. 23:* After "Crown" insert "and all principal teachers of national schools in Ireland."

*Mr. Russell* wanted an explanation from *Mr. Morley*. Why should model school teachers rank as civil servants while national school teachers did not?

*Mr. Morley* said national school teachers are appointed and dismissed by local managers. They are not in the public service. Model school teachers are appointed and dismissed by Lord Lieutenant, and they give their whole time to the service.—*Rejected, 254 to 183.* July 18th. Cols. 1836-1841.

*Cl. 28, L. 24:* After "day" insert "unless and until they are transferred to other parts of the United Kingdom as hereinafter mentioned."

*Mr. Balfour* said they were dealing with a great revolution. Irish members had avowed their intention of "clearing out the castle," and quite lately they have had violent quarrels with civil servants. Will the Irish members not treat these civil servants as they have time and again declared they will do when they get Home Rule? *Mr. Gladstone* has prophesied that they may turn some out from motives of economy. There are only two ways of economising: (1) Cutting down salaries; (2) dismissing officials. There was sure to be an enormous dismissal anyhow. These servants are not Irish civil servants in the proper sense of the word, but Imperial civil servants, and as such should be safeguarded in their offices or be given others elsewhere.

*Mr. Gladstone* said there would be no large dismissals. The Irish electors would grasp and understand who were the efficient men, and they would elect them. Also would the Legislature be likely to burden itself with £150,000 worth of pensions?—*Rejected, 241 to 199.* July 18th. Cols. 1841-1873.

CL. 28, L. 26: After "pensions" insert "according to the scale of the class to which they belong."

*Mr. Morley* said the scale had a maximum and minimum, with an annual increment. "The same salaries" might mean the salaries without the increment.—*Amendment agreed to.* July 18th. Cols. 1873-1874.

CL. 28, L. 27: After "Treasury" insert "in communication with the Irish Government."

*Mr. Morley* said the clause looked as if the Committee were to award the pensions; that was a mistake.—*Amendment agreed to.* July 18th. Cols. 1874-1878.

CL. 28: Leave out from "and" in L. 28 to "provided" in L. 38, and insert "During the period of five years after the passing of this Act (in this section and the Fifth Schedule referred to as the transitional period), the said gratuities and pensions shall be awarded by the Treasury (in communication with the Irish Government), and the said gratuities and pensions so awarded and the said salaries shall be paid to the payees by the Treasury out of the Exchequer of the United Kingdom. Any such officer shall during the transitional period hold office unless he—

- (a) leaves the service on a medical certificate, or under the existing rules as to age, or is dismissed for misconduct or incapacity; or
- (b) is removed upon an abolition of office or re-organisation of department which does not involve the appointment of any new officer; or
- (c) resigns under this section; or
- (d) is required by the Irish Government to retire."

*Mr. Morley* said this defined the transition period, and the latter part defined the conditions under which an officer might cease to hold office.

Amendment to amendment: Leave out from "during" to "period."

*Mr. Plunkett*: Civil servants objected to these words, because it limited the security of their pensions to five years. How would they stand with regard to pensions after five years?

*Mr. Fowler* said if the civil servants elected to stay on after the five years, they would have to make the best bargain possible with the Irish Legislature with regard to their salaries. Their pensions would continue to be paid as at present from Imperial Exchequer.

*Mr. Sexton* suggested the words "salaries payable within the said period of five years," which were agreed to.

Amendment to amendment: Omit "in communication with the Irish Government."

*Marquess of Carmarthen* did not think there was any meaning in them; as *Mr. Morley* had said, the English Minister would always communicate with Irish Government. If the words did mean anything, they meant the handing over of "gratuities, pensions and salaries" to the Irish Legislature, which was surely ridiculous.

*Mr. Morley* said the words would not have that meaning at all. They simply meant that the English Minister would have the views and opinions of Irish Legislature before him, but would be in no way controlled by Irish Legislature.—*Amendment withdrawn.*

*Mr. Morley*: Original words amended to "after communicating, &c."



Amendment to amendment: Leave out Sub-section (c) "resigns under this section; or."

Mr. Storey said he wished to differentiate between:

(1) The officer who retired because he would not serve under the Irish Legislature; and

(2) The officer who was dismissed by Irish Legislature.

The former had no right to the same benefits as the latter. The former ought to think of serving his country and not mind about his actual masters.

Lord R. Churchill said Mr. Storey did not appreciate the position some civil servants in Ireland would be in: civil servants who had disagreed and quarrelled unceasingly with Nationalists. He ought to remember also that Nationalists had many friends in Ireland for whom they would have to find lucrative posts.

Mr. Morley said it was possible for Irish Legislature to make it so unpleasant for some civil servants that they would be forced into compulsory retirement. Therefore, although the Government did not think this probable and even hardly possible, they had decided that both cases had to be treated alike.—Mr. Storey's amendment negatived.

Mr. Morley's original amendment agreed to.—July 18th. Cols. 1878-1897.

Cl. 28, L. 39: After "notice" insert "of resignation under this section or of required retirement."

Mr. Morley said this was only a drafting amendment.—*Amendment agreed to.* July 18th. Col. 1897.

Cl. 28, L. 42: Before "such" insert "before the end of the transition period."

Mr. Morley said this was to provide against the evil and inconvenience of a large body of civil servants resigning *en masse*.—*Amendment agreed to.* July 18th. Cols. 1898-1901.

Cl. 28, L. 42: After "shall" insert "resign under this section, or be required to."

Mr. Morley's amendment agreed to.—July 18th. Col. 1901.

Cl. 28, L. 44: Insert "So, however, that a notice to resign under this section given by an officer shall, unless withdrawn, operate at the end of the transitional period if he has not sooner left the service; and an officer resigning under this section shall show that he is not incapacitated by mental or bodily infirmity for the performance of his duties, and that he will not be required under the existing rules as to age to retire before the end of the transitional period, and otherwise he shall not be entitled to any further gratuity or pension that he would have been entitled to if he had left the service on a medical certificate."

"(3) Upon any such removal, or resignation under this section, or required retirement, there may be awarded to the officer by the Treasury, after communication with the Irish Government, a gratuity or pension in accordance with the Fourth Schedule to this Act, and for that purpose his service shall be reckoned as if it had continued to the end of the transitional period, or to any earlier date at which under the existing rules as to age he will be required to retire."

Mr. Morley moved the amendment.

Amendment to amendment: Leave out from "that he" to "duties, and."

*Mr. Bartley* said that a man might be in good health when the Bill passed, but if he got ill during the five years he would have to retire with a smaller pension, this would encourage men to give notice while they were well, so that they could retire with full pension. Also, why should an officer have to prove that he was not incapacitated? Surely the fact that he was performing his duties properly was sufficient proof.

*Mr. Morley* said if the Irish Government determined that an officer was incapacitated, it was the officer's business to show he was not—*Amendment defeated.*

Amendment to amendment: After "pension" insert "or gratuity and pension."

*Mr. Kenny* said this was to provide that the Treasury in some cases, if they thought right, might give a gratuity as well as a pension.

*Mr. Fowler* could not accept the amendment. The Superannuation Act enacted that if an office was abolished the officer got certain privileges, as in this scheme, but that Act gave no gratuities.—*Amendment to amendment negatived.* *Mr. Morley's original amendment agreed to.* July 18th. Cols. 1901-1906.

Cl. 28, L. 1: Leave out from "officer" to "pension" in L. 2, and insert "is serving in a capacity which qualifies him for a pension under the 'Superannuation Act, 1859,' and continues to hold office until the end of the transitional period the Treasury may, within three months after the end of that period, award him."

*Mr. Morley* said this was to make sure that the officer, whether he retired earlier or later than the transition period, should have his pension calculated on the highest of the five years of that period.—*Amendment agreed to.* July 18th. Cols. 1906-1907.

Cl. 28, L. 5: Leave out from "in" to "shall" and insert "in pursuance of this section shall."

*Mr. Morley* said this was merely a drafting amendment.—*Amendment agreed to.* July 18th. Col. 1907.

Cl. 28, L. 8: Leave out "all sums paid" and insert "one-half of the net amount payable."

*Mr. Hayden* said the Government had acted generously towards the civil servants, but in doing so had treated the Irish Exchequer unfairly. The entire cost of judges and certain other officers (superannuation) was to be borne by the Irish Legislature, so he thought the Imperial Exchequer might fairly pay half the cost of the superannuation of the general body of civil servants in Ireland.

*Mr. Morley* said that if the Irish Legislature resorted to a policy of provoking to or compelling resignation, then they certainly would have a large burden put upon their shoulders by themselves in the way of pensions. But he did not think they would act in this foolish way, but the amount of the burden would depend on their own discretion. Also, he thought that financial clauses a better place to discuss this.—*Rejected,* 251 to 92. July 18th. Cols. 1908-1914.

Cl. 28, L. 12: After "Kingdom" insert "except that this section shall apply to the clerical staff of the Royal Irish Constabulary and Dublin Metropolitan Police, with the substitution of the Treasury for the Irish Government."

*Mr. Morley* said this was to take from the Irish Government and give to the Treasury the right to retire these officials. Before report, he would consider if it had not better be in a separate section.—*Amendment agreed to.* July 19th. Cols. 1-7.

Cl. 28 : At end of L. 12 insert "Where an officer, though not in the permanent civil service, is in the public service of the Crown, then (a) if he devotes his whole time to the duties of his office, this section shall apply to him in like manner as if he were in the permanent civil service; and (b) if he does not so devote his whole time, and is removed from his office for any cause other than incapacity or misconduct, he may apply to the Treasury, who may award him compensation for loss of office in accordance with the Fifth Schedule to this Act."

*Mr. Morley* introduced the amendment.

*Mr. Sexton* and *Mr. Russell* wished to know who were the officers brought under the scheme.

*Mr. Fowler* said they were the model school teachers and Crown and sessional solicitors. [Sections (a) and (b) S.]

*Mr. Morley* explained that the officers brought under the scheme in Section 9 were the Petty Sessions clerks and officers in the Registry of Petty Sessions Clerks in Dublin. *Amendm nt agreed to.*—July 19th. Cols. 7-16.

Cl. 28 :

*Mr. Morley* then moved the addition of the following sub-sections :—

"(9) This section shall apply to petty sessions clerks and to officers in the registry of petty sessions clerks in like manner as to officers in the public service of the Crown, with the exceptions that any payment in pursuance of this section to any such clerk or officer shall be made out of the fund out of which the pension of such clerk or officer is payable instead of out of the Exchequer of the United Kingdom, and that in considering the amount of gratuity or pension regard shall be had to the amount of the fund :

Provided that—

"(a) If, by reason of anything done after the appointed day, the fund becomes insufficient to meet the full amount of the said gratuities and pensions, the deficiency shall be charged on and paid out of the Irish Consolidated Fund, but such charge shall be repaid if and when the state of the fund allows to the Irish Consolidated Fund; and

"(b) The existing accumulated fund shall not be applied for any new purpose until every such gratuity and pension is satisfied."

Amendment to amendment : After "fund" insert "and such charge shall be repaid, if and when the state of the fund allows, to the Irish Consolidated Fund."

*Mr. Sexton's amendment agreed to.*

Amendment to Amendment : New Sub-section (9). "This section shall apply to secretaries of grand juries in like manner as to officers in the public service of the Crown, with the exception that any payment in pursuance of this section to any such secretary shall be made out of the fund out of which the salary of such secretary is payable, instead of out of the Exchequer of the United Kingdom."

*Mr. Plunkett* said these secretaries at present got no pensions because dismissal was unknown and they held office as long as they could perform their duties. He thought they were worthy of consideration in this clause, in the event of dismissal or the abolition of their office.

*Mr. Morley* said they had made it a rule that no officers who are paid out of local funds and are responsible to local authorities should be compensated under this Bill.—*Amendment withdrawn.*

*Mr. Rentoul* moved a similar amendment to bring county surveyors under this scheme, on the ground that they were civil servants except in that they did not draw their incomes from the same source.

*Mr. Fowler* said that was exactly the reason they could not come under this scheme. The Government had to draw the line somewhere,

and if they admitted these officers, they would have to admit many more.—*Negative*. July 19th. Cols. 24–33.

Amendment to amendment: To add at end, “This section shall apply to the principal and professors in Queen’s Colleges, notwithstanding that their salaries are paid from the Consolidated Fund.”

*Mr. Roby* wished to know whether these officers came under Clauses 26 or 27. They wished to be under Clause 27.

*Mr. Morley* said they were under Clause 26. They evidently wanted to be under Clauses 26 and 27, and so get their pensions awarded on their fees plus their salaries.—*Amendment withdrawn*. July 19th. Cols. 34–36.

Cl. 28, Sub-section (10): “For the purpose of determining finally the facts on all questions which may arise during the transitional period as to the rights of the officers or any of them under this section there shall be appointed a committee, consisting of A. B., the chairman, and C. D., and one other person to be nominated after the appointed day by the Executive Committee of the Irish Privy Council. Any vacancy which may arise among the persons named in this section may be filled by Her Majesty under Her Royal Sign Manual, and any vacancy which may arise from the death or resignation of the person nominated by the Executive Committee may be filled by that Committee.”

*Mr. Morley* said the Committee would consist of two men nominated by the Irish Government and two named in the Bill. They would hear all cases of pensions, report to the Treasury, and the Treasury would make final award.

Amendment to amendment: Leave out “one other person” and insert “two other persons.”

*Mr. Sexton* moved the amendment.

*Mr. Morley* said it was expected that the two Imperial gentlemen would work together and the single Irish one would be left out. That would not happen, owing to the characters of the gentlemen to be elected. The two Imperial members would be selected by Parliament, so the Irish members would have a voice in it.

*Mr. Balfour* said it was evident the Irish members would elect all three members, as they could negative every name suggested (by means of their 80 members in Imperial Parliament) until one came up they approved of.—*Passed*, 298 to 131. *Clause, as amended, agreed* to July 19th. Cols. 36–42.

29. Any existing pension granted on account of service in Ireland as a judge of the Supreme Court or of any court consolidated into that court, or as a county court judge, or in any other judicial position, 15 or as an officer in the permanent civil service of the Crown other than in an office the holder of which is after the appointed day retained in the service of the Government of the United Kingdom, shall be charged on the Irish Consolidated Fund, and if and so far as not paid out of that fund, shall be paid out of the 20 Exchequer of the United Kingdom.

Cl. 29, L. 19:

*Mr. Morley* moved two amendments to the clause, in order that existing pensions should be paid out of the United Kingdom Exchequer and repaid to that Exchequer from the Irish one:—

(1) Leave out from beginning to “shall.”

(2) After “Kingdom” insert “and shall be repaid to that Exchequer from the Irish Exchequer.”

*Amendments agreed to*. July 19th. Col. 52.

30. (1) The forces of the Royal Irish Constabulary and Dublin Metropolitan Police shall, when and as local police forces are from  
25 time to time established in Ireland in accordance with the Sixth Schedule to this Act, be gradually reduced and ultimately cease to exist as mentioned in that Schedule; and after the passing of this Act, no officer or man shall be appointed to either of those forces;

30 Provided that until the expiration of six years from the appointed day, nothing in this Act shall require the Lord Lieutenant to cause either of the said forces to cease to exist, if as representing Her Majesty the Queen he considers it inexpedient.

(2) The said two forces shall, while they continue, be subject to the control of the Lord Lieutenant as representing Her Majesty,  
35 and the members thereof shall continue to receive the same salaries, gratuities, and pensions, and hold their appointments on the same tenure as heretofore, and those salaries, gratuities and pensions, and all the expenditure incidental to either force, shall be paid out of the Exchequer of the United Kingdom.

(3) When any existing member of either force retires under the provisions of the Sixth Schedule to this Act, the Treasury may award to him a gratuity or pension in accordance with that  
5 Schedule.

(4) Those gratuities and pensions and all existing pensions payable in respect of service in either force, shall be paid by the Treasury to the payees out of the Exchequer of the United Kingdom.

(5) Two-thirds of the net amount payable in pursuance of this  
10 section out of the Exchequer of the United Kingdom shall be repaid to that Exchequer from the Irish Exchequer.

*Ct. 30, L. 24* : Leave out " shall " and insert " may."

*Mr. Bolton* said his object was to allow the Irish Government the right to reduce the police from time to time, as circumstances permitted, with a view to the ultimate disbandment of the force at some indefinite date instead (as the Bill set forth) of making the disbandment compulsory and setting a definite date to it (six years). The plan in the Bill would do grave injustice to many deserving men, because getting rid of 15,000 men in six years prevented an adequate pension being given, so that officers getting £255 a year salary would get a pension of £93.

*Mr. Gladstone* said this amendment only touched one of the three points the mover had mentioned. He would confine himself to that point. The Irish Government are being made responsible for the peace, order and good government of Ireland; therefore it is right that they should have control over the police authorities, as these local police forces are formed, so ought the constabulary to be reduced.—*Rejected.* 275 to 246. July 20th. Cols. 112-125.

*Ct. 30, L. 24* : Leave out from " shall " to the end of the clause and insert " Cease to exist three months from the day when this Act comes into force, and every officer and constable shall be entitled to receive such sums as he would have earned as gratuity or pension if 10 years had been added to his actual service, and such further sum as may be considered equitable for loss of pay and allowances and prospects of promotion and higher pension. All pensions of and gratuities to persons retired under this section shall be paid by the Exchequer. In the event of any difference of opinion as to compensation awarded, it shall be settled by a judge of the High Court of Justice in England."

*General Goldsworthy* said the constabulary had been used to stop the disorder of the National League. Now they were to become the servants of the members of the League. A majority of them must be unwilling to serve under such masters, and his object was to secure fair terms for them on retiring.

*Mr. Morley* said the effect of the amendment would be that in three months' time Ireland would be without police. He hoped a large number of the constabulary would join the local forces. Any who did not would be at a premium in the Scotch and English forces.—*Negative*. July 20th. Cols. 125–130.

*Cl. 30, L. 24* : Leave out “local.”

*Mr. Sexton* said the clause evidently settled the police question by enacting :—

- (1) That there should be a local police force ; and
- (2) That it shall be under local authority.

He did not think this would be sufficient, as there was no provision for reserve police forces. He supposed the transfer of men from the constabulary to the local police forces would be effected between the Imperial Government and the Irish Executive. Surely the Imperial Government would not deal direct with the local bodies. He impressed on the Committee that there were no local bodies in Ireland to take over these duties. “Police in Belfast could not be under the local authorities, as they would probably be used against the Executive. Dublin does not desire the burden of keeping a local police force. The counties have no local authorities.” Pay and control must go together ; but it will take time to make the local bodies pay for police previously paid by National Revenue. The Government ought to grant the Executive power to establish a police force, without putting it under local authorities.

*Mr. Wyndham* said Mr. Sexton's aim amounted to this : “That the Irish Executive should have power to establish an armed police.”—the very thing the Government tried to avoid. However, at the same time, Mr. Sexton had utterly destroyed and shown to be impossible the scheme of the Government.

*Mr. Gladstone* said this amendment really did not touch the question of a central police force ; but with regard to it :—

- (1) There is nothing to stop the Executive from forming reserves or a central force.
- (2) In this country, with dense population, no necessity has been found for this.

Local Police.—He was strongly in favour of this. There was a possibility of jealousies and quarrels ; the opposition thought it a probability or a certainty. In deference to these fears the Government had imposed limitations, this one among them, that the local authorities should have control over police, and not the central authority.

*Mr. Ballour* said Mr. Sexton had admitted that Ireland was not fit to have a local police force ; it was universally acknowledged that a country unfit for a local police force is unfit for local government.—*Rejected*, 237 to 110. July 20th. Cols. 130–152.

*Cl. 30, L. 26* : After “reduced” leave out to “provided” in *L. 29*, and insert “to 2,000.”

*Mr. Wyndham* said his object was to keep a nucleus of the constabulary under the control of the Lord Lieutenant in case of emergency.

*Mr. Morley* said this was an extraordinary departure from the usual attitude of the Opposition.

*Mr. Wyndham* said 2,000 men under the Lord Lieutenant was a different thing from 2,000 under the Irish Government.

*Mr. Morley* said it was impossible and would lead to friction inevitably ; the Irish Legislature wishing to send extra police to a place and the Lord Lieutenant not wishing to.—*Amendment withdrawn*. July 20th. Cols. 152–160.

*Cl. 30, L. 27* : After “Schedule” insert “and thereupon the Acts relating to such forces shall be repealed, and no forces organised and armed in like manner, or otherwise than according to the accustomed manner of a civil police, shall be created under any Irish Act.”

*Mr. Morley* moved the amendment to fulfil the pledge the Prime Minister had made.

Amendment to amendment: "But nothing in this Act shall prevent the Irish Government from making such police arrangements as they may deem requisite for the maintenance or restoration of order or the execution of the law."

*Mr. Sexton* said evidently the police were meant to carry truncheons only, and quite rightly, but he wished in the case of emergency power to arm them with something of more use.—*Amendment negatived (Mr. Sexton), closure applied and Mr. Morley's amendment carried.*

Clauses 30 to 40 inclusive passed without debate and under closure.

—July 20th. Cols. 160-167.

#### FINANCIAL CLAUSES.

The Financial Clauses of the Home Rule Bill as introduced were withdrawn without discussion, and the following new clauses were moved :—

(1) Until the transfer hereinafter mentioned the existing taxes in Ireland shall be imposed by Act of Parliament, and all matters relating to those taxes or to the hereditary revenues of the Crown in Ireland, or to the collection or management thereof, shall be regulated by Act of Parliament.

(2) For the purposes of this Act the public revenue of Ireland shall be divided into general revenue and special revenue, and the general revenue shall consist of—

(a) the gross revenue collected in Ireland from the said taxes;

(b) the portion due to Ireland of the hereditary revenues of the Crown which are managed by the Commissioners of Woods; and

(c) an annual sum for the customs and excise duties (if any) collected in Great Britain on articles consumed in Ireland; Provided that an annual sum for the customs and excise duties (if any) collected in Ireland on articles consumed in Great Britain shall be deducted from the revenue collected in Ireland, and treated as revenue collected in Great Britain.

(3) The above-mentioned annual sums shall be determined by the order of a committee appointed jointly by the Treasury and the Irish Government, and such order shall be laid before the House of Commons.

(4) One-third part of the general revenue of Ireland, and also that portion of any Imperial miscellaneous revenue to which Ireland may claim to be entitled, whether specified in the Third Schedule to this Act or arising hereafter, shall be paid into the Exchequer of the United Kingdom as the contribution of Ireland to Imperial liabilities and expenditure as defined in that schedule.

(5) The residue of the general revenue of Ireland shall, without being paid into the Exchequer of the United Kingdom, form part of the special revenue of Ireland.

(6) The civil charges of government in Ireland shall, subject as in this Act mentioned, be borne after the appointed day by Ireland and regulated by Irish Act.

(7) Where Parliament imposes any taxes expressly for the purpose of war, or of any special expenditure which Parliament declares to be war expenditure, or to be extraordinary expenditure

for the defence of the realm, the revenue from those taxes which is collected in Ireland, or on articles consumed in Ireland, shall be paid into the Exchequer of the United Kingdom, and subject to the like deduction as above mentioned in respect of articles consumed in Great Britain, shall be treated as the contribution of Ireland for the said purpose.

(8) After six years from the appointed day the imposition of the existing taxes in Ireland other than duties of customs or excise, and the regulation of all matters relating to the existing taxes in Ireland other than the duties of customs, and to the collection and management thereof, shall, save as respects duties on articles consumed in Great Britain, be transferred to the Irish Legislature, and the arrangements made by this Act for the contribution of Ireland to Imperial liabilities and expenditure shall be revised.

Leave out Sub-section (1).

*Mr. Redmond* said by his amendment he wished to ascertain whether the Irish Legislature was to have immediate control of Irish taxes, or whether that control was withheld for six years.

*Mr. Gladstone* said the amendment would not alter the clause as *Mr. Redmond* wished. Even if carried, the collection of revenue would still be in hands of Imperial Parliament. The Government could not accept the amendment because it would break up the character of their plan and raise controversy, otherwise avoided.

*Mr. Balfour* said at one time there was special machinery for dealing with excise in Ireland. By doing away with that and creating 400 more members of the constabulary instead, a saving of £20,000 a year was effected. Now the Government intend to do away with the constabulary. Are they going to set up the old special machinery for excise again, and its extravagant cost?

*Mr. Gladstone* said he himself, in 1853, had made the change stated by *Mr. Balfour*, and by it had saved not 20 but 40 thousand. However, this question of collection of revenue by local police instead of by the constabulary, which was the plan they proposed, was not a vital or pressing one. In many places no local authorities had yet been formed, and they would have to be formed before the question of police for collection of revenue and excise could be discussed.

*Mr. Courtney* said the plan proposed was that for six years the Imperial Parliament should have power and control over the taxation, to alter as it liked, and that it should give the Irish Government two-thirds of the sum obtained for carrying on its business. That was a bad plan. It would hamper the Irish Chancellor of Exchequer and produce complicated questions between the two Exchequers, as had happened in Canada and New Zealand. The only way would be to give Ireland what was necessary, and to keep the remainder.

*Mr. Balfour* said that plan would lead to corruption. The 80 Irish members would say to the English Chancellor, "Give us more money, we need it for so-and-so, and we will support you." All suggestions were impossible, because the Bill could not act. He personally would support the one which gave least power to the Irish Legislature.

*Mr. Redmond* condemned the six years' reservation. They would be the most important in Ireland's history, and Ireland should have a free hand to deal with them. The large majority in Ireland was to give up, or, rather, be deprived of, its freedom of looking after its taxes so that the Unionist minority might be conciliated. These restrictions would be the ruin of the Bill.—*Rejected*, 249 to 53. July 25th. Cols. 491-530.

Leave out "the transfer hereinafter mentioned" and insert  
"Parliament otherwise determines."

*Mr. Chamberlain* said this raised the question of whether there should be a transition period with regard to the financial clauses. He opposed a transition period, and wished a permanent settlement. Strangely



enough, none of the critical questions in the Bill had been settled. They have all been either evaded or a transition period or temporary arrangement has been made use of. Why was there a transition period? Because the Government believe their plan to be the best plan, but they dare not make it permanent because of their allies. The transition period cannot lead to economy, because the Irish Legislature will spend all it can and has got so that at the end of six years it can come and say to the Imperial Parliament, "Look how poor we are, please give us more."

*Mr. Gladstone* said Mr. Chamberlain had contradicted his own amendment. "The words 'until Parliament otherwise determines' marks the temporary nature of the clause. Mr. Gladstone continued with an attack on Mr. Chamberlain for saying that none of the critical questions had been settled. He named finance, two Legislatures, Executive, judiciary and police.

*Mr. Balfour* denied that finance or police had been settled. The rest had only been settled by closure without debate. No member of the Government had answered the statement that the policy of the Bill could not possibly lead to economy on the part of the Irish Chancellor.

*Mr. Fowler* said the Government had introduced the transition period, because a fierce controversy raged round the question of finance. The Government thought they had hit upon the mean; but having regard to the controversy they had decided on a six years' trial and a Royal Commission to decide the question.—*Rejected*, 226 to 166. July 25th and 26th. Cols. 539-548 and 550-569.

Leave out Sub-sections (2), (3), (4) and (5).

*Sir J. Lubbock* objected to these provisions:

- (1) Because to try to distinguish between general and special revenue would lead to endless disputes.
- (2) Because some taxes, as income tax, were indivisible with accuracy. It would all lead to a series of disputes and questions in the Imperial Parliament.

England was to pay one-third of revenue for common expenses and to keep two-thirds for herself. England could not even spend her one-third as she liked, but would be guided by the votes of 80 Irish members.

*Mr. Gladstone* said both amendment and speech of the mover were on the whole clause. The defence of the clause had already been made by Mr. Fowler and the Chancellor. He would leave it at that.—*Rejected* 252 to 205. July 26th. Cols. 570-588.

After "Britain" insert "Provided also that there shall be deducted from the gross revenue collected in Ireland within the meaning of this Act such sum as is from time to time directed by the Treasury to be so deducted in respect of the costs, charges and expenses of and incident to the collection's management of the said duties in Ireland not exceeding 4 per cent. of the amount so collected."

*Sir J. Gorst* said the businesslike way to act was to count the revenue collected as net and not gross. Clearly the revenue collected should be minus the cost of collection before being distributed. This provision was in the 1886 Bill word for word.

*Mr. Gladstone* said it was impossible to reckon the cost of collection of each branch of revenue separately. They might take the entire cost of collection and distribute it; but that would make no distinction between revenue collected in Ireland for the benefit of Britain and the rest of the Irish revenue, which would be unjust to Ireland.—*Negatived*. July 26th. Cols. 588-595.

After "determined" insert "from time to time."

*Mr. Sexton* said he wished to bring it about that this committee appointed in this sub-section should report from year to year. This committee had three functions:

- (1) To determine what sum from customs and excise would be taken from revenue of Britain and given to Ireland.

(2) To determine what sum from customs and excise should be given to Britain for things consumed in Britain.

(3) To determine what sum from post office should be spent on Great Britain and what on Ireland.

He supposed this committee would ascertain the amounts yearly and not once in six years.

*Mr. Fowler* agreed, and said he would insert necessary words at another place.—*Withdrawn.* July 27th. Cols. 671-673.

After "Government" insert "in equal proportions."

*Mr. Sexton* wished to know what "appointed jointly" meant? He wished each county to appoint the same number.

*Mr. Morley* agreed, but added a further amendment, *i.e.*, "the chairman to have a casting vote."—*Agreed to.* July 27th. Cols. 673-677.

At end, add "The said committee shall inquire and report before the end of five years from the appointed day, to the Treasury and the Irish Government, upon what principles and in what mode the relative capacity of Ireland to contribute to Imperial charges might in their judgment be most equitably determined, and how the amount of such annual contribution should be fixed; and for the purpose of such inquiry and report, the said committee shall have all the powers of a Private Bill Committee of the House of Commons."

*Mr. Sexton* wished this committee to inquire into the amount which the Irish Legislature would have to pay into Imperial charges, instead of the Royal Commission, as suggested by the Prime Minister. The latter would be wholly Imperial, the former half Irish and half Imperial and so better suited to judge. The committee's business already dealt with subjects closely akin to Ireland's contribution to Britain.

*Mr. Gladstone* did not approve of the committee for this question; its object will be very limited as compared with the searching inquiry necessary for the Commission. The committee will have few members, but the Commission will have many, so that a variety of views may be represented. As to the Commission being Imperial—it will be subject to the control of the House of Commons and Ireland will have 80 members in the House of Commons. Parliament would decide the principles, the Commission would examine the facts and suggest the inferences arising out of the facts.—*Withdrawn.* July 27th. Cols. 677-685.

In place of "House of Commons" substitute "both Houses of Parliament."

*Mr. Morley* moved the amendment to enact that the joint order of the Treasury and the Irish Government dealing with specified items of general revenue, should be laid before both Houses instead of the House of Commons only.—*Agreed to.* July 27th. Col. 685.

To add at beginning of fourth sub-section "Whenever the surplus available for the Irish Government amounts to not less than £500,000."

*Mr. Clancy* said he wished to ensure a £500,000 surplus to the Irish Legislature. The Irish Legislature for six years would have its hands tied with regard to revenue, except that it could impose new taxes, and it would take a bold Minister to do that. Ireland had been systematically robbed by England for over a century. *Mr. Gladstone* said the amendment came to this: that if one year the surplus was £499,000, then Ireland would pay in Imperial contribution one-quarter instead of one-third.

*Mr. Gladstone*: This surplus is a question between Irish revenue and Irish expenditure. If Ireland liked to spend £500,000 more one year than usual, that money would come from the Imperial Treasury.

*Mr. Goschen* thought the Prime Minister ought to answer the false statement that Ireland had been robbed by England for over a century. The statement was a slander on the Prime Minister and on other Chancellors of the Exchequer.

*Mr. Wyndham* said *Mr. Clancy* had said that Ireland had been robbed to pay for England's wars. What about Scotland? England paid two-thirds of her income to Imperial charges. Scotland paid two-thirds of her income to Imperial charges. Ireland paid one-third of her income to Imperial charges. *Mr. Clancy* seemed to forget Napoleon. Why should not Ireland pay her share for protection in that struggle? Would she have been better off as a member of the Continental Alliance, with all her ports blockaded and all her money drained into France's Treasury?—*Negatived.* July 27th. Cols. 685-733.

The remaining sub-sections of the financial clauses, the postponed clauses, new clauses, and all other clauses, the schedules and new schedules were then passed under closure and without discussion.

—July 27th. Cols. 733, 734, 735.

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#### REPORT STAGE.

NEW CLAUSE.—“The persons named in the Schedule of this Act shall, with all practicable despatch, draw up and submit to one of Her Majesty's principal Secretaries of State a Report showing schemes for dividing Ireland into constituencies for electing members to the Legislative Council, the Legislative Assembly, and the House of Commons respectively, and such report shall be submitted to Parliament. Provided that in such schemes the number of electors in each constituency shall be as nearly as may be proportional to the number of members returned by the constituency and provided that in such schemes the existing boundaries of counties and boroughs shall so far as possible be followed.”

*Mr. Parker Smith* submitted the new clause because the proposals in the Bill were unsatisfactory. House should appoint an impartial Commission to investigate and report.

*Mr. Gladstone* stated proposals in Bill were inserted to secure uniformity of representation on basis of present boundaries. Matter more suitable for discussion when schedules before House.

*Mr. A. J. Balfour* supported wish for single-member constituencies. Boundary Commission necessary to secure proper representation. Schedules in present form grossly unfair to minority.—*Rejected, 196 to 152.* August 7th. Cols. 1434-1473.

NEW CLAUSE.—“In elections for the Irish Legislature, and in elections of members from Ireland to serve in the House of Commons, no special facilities shall be given to illiterates for recording their votes.”

*Mr. Parker Smith* : Illiteracy in Ireland decreased from 33 per cent. in 1871 census to 18 per cent. in 1891. Out of 400,000 voters, 85,000 polled in 1892 as illiterates, or 21½ per cent. In England percentage was 1½, in Scotland less than 1. Real voice of Ireland could not be heard whilst present system of illiteracy permitted. The illiterates in question were those whose votes were considered doubtful, and their ballot papers were marked in presence of priests who acted as personation agents.

*Mr. Gladstone* sympathised with object of new clause, but for Ireland only would not support alteration of a general law.—*Rejected, 176 to 133. August 7th. Cols. 1473-1502.*

NEW CLAUSE.—“The constituencies both for the Irish Legislature and for the House of Commons shall be of such size that each shall return three or five members, and no elector shall be entitled to vote for more than one candidate.”

*Mr. Parker Smith* moved the clause in the interests of proportional representation to secure that majority of electors should return majority of members, and that minority should be represented. Wales not in favour of disestablishment in proportion of 15 to 1 or Ireland 4 to 1 for Home Rule—but that was voting strength in House of Commons.

*Mr. Gladstone*: Clause brought forward to help kill Bill by over-weighting it; would not introduce into Ireland a scientific system not applied to Great Britain.

*Mr. T. W. Russell* would support clause, not that he liked it, but because Government would not give proper single-member constituencies.

*Mr. J. Chamberlain* was opposed to proportional representation, which he had experienced in Birmingham.

*Mr. A. J. Balfour* stated subject not a party one, and his opinion was that some form of minority representation absolutely necessary in Ireland, but unnecessary in England and Scotland. Proposal probably unnecessary in North or South of Ireland, but where parties more evenly divided, as in Dublin, minority sufficient to justify special treatment.—*Rejected, 197 to 148. August 7th. Cols. 1503-1523.*

NEW CLAUSE.—“Provided that no person being a priest or deacon in the Church of England or in the Church of Ireland, or being a minister of the Church of Scotland, or in holy orders of the Church of Rome, shall be capable of being elected to serve in either House of the Irish Legislature, and if any such person shall be elected to serve in either House of the said Legislature such election shall be void, and if any person be elected to serve in either House of the Irish Legislature shall, after his election, become or be one of the persons above mentioned, the seat of such person shall immediately become void, and if any such person shall in any of the cases aforesaid sit or vote as a member of either House of the Irish Legislature, he shall be subject to the same penalties, forfeitures, and disabilities as are enacted by an Act intituled ‘An Act to remove doubts respecting the eligibility of persons in holy orders to sit in the House of Commons,’ and proof of the celebration of any religious service by such person according to the rules of any of the Churches above mentioned shall be deemed and taken to be *prima facie* evidence of the fact of such person being in holy orders or being a minister of such Church respectively.”

*Mr. T. W. Russell* formally moved the clause in order to enable the Government to state clearly their position in the matter, and whether the words the Government proposed to insert in Clause 29 would achieve the same object as the new clause, and also whether or not it would be alterable by Irish Act.

*Mr. Morley* stated that by Clause 29, and an amendment he would propose, “undoubtedly it will be out of the power of the Irish Parliament to remove any of the disqualifications.”

*Mr. Healy* urged that with regard to the Lower House, “every gentleman concerned in religious teaching, including the Presbyterians and the Methodists, and every other sect of that kind” should be disqualified. He considered the Second Chamber should be treated the same as the Imperial House of Lords.

*Mr. Sexton* thought "a useful and perhaps a mollifying effect upon society in Ireland might be produced by the presence of some of the higher ecclesiastics in the Second Chamber." With regard to the Lower House, if the ecclesiastics or ministers of any creed were to be excluded, none should be admissible.—*Clause withdrawn.* August 8th. Cols. 1618-1626.

NEW CLAUSE.—"Whenever by reason of any act unlawfully done or omitted to be done by the Irish Government or by any member or officer of that Government, any Foreign Power or the subject of any Foreign Power suffers loss or injury, and any sum of money becomes payable out of the Exchequer of the United Kingdom by way of indemnity, or compensation for such loss or injury, such sum shall thereupon be payable to the Exchequer of the United Kingdom from the Irish Exchequer, and shall be recoverable according to the provisions of this Act."

Moved by *Mr. Hobhouse*, accepted by Government, and added to the Bill.—August 8th. Cols. 1626-1628.

NEW CLAUSE.—(Representation of Ireland in Parliament for the Amendment of this Act.)

*Mr. Macartney* said it was the duty of the Unionist Party to re-open this question, and complained that when Clause 9 was reached in Committee, Government had no mind on the subject, but left the matter for the consideration of the House.

*Mr. Gladstone* admitted that in 1886 he did not favour the retention of the Irish members at Westminster, but finding opinion strongly in favour of retention, that plan had been followed in present Bill. No doubt final decision different from original plan, but was adopted in deference to popular opinion.

*Sir Edward Clarke* said the arrangement that Irish members could come in and give votes that may overthrow a Ministry was giving them an influence which would destroy the usefulness of the House and lead to dealings to secure their support for Ministries or Opposition. Also great temptation to secure the votes of these members by bringing in legislation to please them. He was in favour of the exclusion of the Irish members. If a Welsh Disestablishment Bill was brought in, Irish members who have no interest in the matter could vote on the Bill.

*Mr. Chamberlain* detailed *Mr. Gladstone's* changes of opinion on this vital matter. First plan was exclusion, then "in-and-out" plan. If Irish members use their power now we can retaliate, but under the Bill the Imperial Parliament could not retaliate. If we are to have a really subordinate Irish Parliament, Irish members must be retained, but Bill sets up a co-ordinate Parliament, the logical course was to exclude Irish members.

*Sir W. Harcourt* argued that while the management of domestic affairs was to be relegated to an Irish Parliament, they were entitled to a full and complete voice in Imperial matters.

*Mr. A. J. Balfour* thought the least we should get out of this "great betrayal" was that debate should no longer be disturbed by Irish. Irish members would come to Westminster not to promote British business, but to extract money and privileges. Government wanted them merely as supporters of Radical legislation and to keep them in power. Some supporters of the Government regarded retention as a step to Imperial Federation. "If we are going to have Parliaments for Scotland, Wales and England on this Irish model, what will be the result? There will be four Executives and four Parliaments within London . . . an English Parliament of 435 members, with an English administration sending a delegation to this House. Is that a possible scheme? Two Executives in London, one representing the great mass of the Imperial taxpayers, of the Imperial wealth, of the Imperial population, sitting in an English House of Commons, and next door to it another assembly bearing some perfectly unknown relation to this English Parliament, who is to manage the affairs of the rest of the Empire. The scheme is

perfectly absurd, and if we are going to stop short of that and give parliaments to Ireland, Wales and Scotland, with delegations to this House, how will the English electors like the prospect? Slavery to Ireland is sufficiently bad, but to be enslaved by Scotland and Wales as well would be the last depth of degradation which could be reached by the unhappy victim of these legislative experiments—the English elector.” Looking at the matter from the English point of view, the Radical Party advocate one man one vote, equal electoral values, &c.; that every elector in the United Kingdom should have the same power. “Do you think that you give the same power to the English and Irish elector when you enable the English elector only to elect a man to manage English affairs, and the Irish elector to elect a man to manage both English and Irish affairs? In other words, the Irishman will elect for two assemblies and the Englishman for one assembly only. Do you call that equality?” Under present system electors are asked to consider local interests from an Imperial standpoint and so educate them to become good citizens, but under the system of local Parliaments a member would be merely a delegate to extort something for the benefit of his own constituents. The injustice proposed by the Bill will only increase difficulties.—*New clause rejected, 215 to 181. August 8th and 9th. Cols. 1628-1727.*

**NEW CLAUSE.**—“All the powers and jurisdiction to be exercised in accordance with the provisions of the Foreign Enlistment Act, 1870, and the Fugitive Offenders Act, 1881, by the Lord Lieutenant or Lord Justices, or other Chief Governor or Governors of Ireland, or the Chief Secretary of the Lord Lieutenant, shall be exercised by the Lord Lieutenant in pursuance of instructions given by Her Majesty.”

*Sir H. James* moved the clause, which was accepted by the Government and added to the Bill.—August 10th. Cols. 1782-1783.

**NEW CLAUSE.**—“From and after the appointed day the powers conferred in the sixteenth section of the Act passed by the Irish Parliament in the session held in the twenty-first and twenty-second years of the reign of George the Third, intituled ‘An Act for the better securing the liberty of the subject,’ shall not be exercised, and the said section shall be and is hereby repealed as and from the said appointed day.”

*Sir H. James* said an Irish Act of 1781 gave power to the Lord Lieutenant to suspend the Habeas Corpus Act in Ireland in cases of invasion or rebellion. This power should not be given to Irish Executive as protection of Habeas Corpus most essential to Irish loyalists under Home Rule. In Great Britain Act can only be suspended by Parliament. Irish Executive would decide whether there was an invasion or a rebellion. Some may regard local riot as rebellion or, in case of refusal to pay taxes, it may be said rebellion exists and an untried Irish Ministry would have power to declare any part of Ireland in state of rebellion, suspend Habeas Corpus and arrest anyone.

*Mr. T. M. Healy* objected to weakening the hands of the Executive.

*Sir J. Rigby* said the Act of 1781 dealt with the criminal matters of rebellion and conditions arising out of an invasion, and for this reason there should be a prompt method of meeting such difficulties; there was no hardship in leaving the law as it stood.

*Mr. A. J. Balfour* said the Statute had never been put into force since the Union. The question was whether the new Irish Government, whose actions have been limited by the Bill for fear of abuse of power, should be given a power which does not exist in Great Britain. The Act in question was passed before the Union, and for ninety-three years has not been in operation, and the opponents to the new clause are now anxious to continue the Act and to give the Irish Parliament a power which we in England would never give.

*Mr. Gladstone* stated the matter at first appeared to be purely an Irish one, and one it was reasonable to leave to the Irish Parliament, but, after all, it is a very small affair, and the Government now think it is “beyond the cognisance of the Irish Legislature,” and so should not oppose the new clause.—*Clause added to the Bill. August 10th. Cols. 1782-1807.*

NEW CLAUSE.—“After the appointed day there shall in every constituency be a separate register—

- (1) Of the electors of Councillors of the Legislative Council.
- (2) Of the electors of the Members of the Legislative Assembly; and
- (3) Of the electors of Members of Parliament.

And no elector shall be entitled to be placed on more than one of such registers in respect of one and the same qualification: Provided that every elector may select the register upon which his name shall be placed.”

*Sir H. James* said his object in moving the clause was to call attention to the great discrepancy in voting power of Irish with that of British elector. He was for the time adopting the view of the Liberal Party with regard to “one man one vote,” and thought they should support his efforts to secure equality in voting. The Government had conceded the case for altering the law as to illiterates, but refused to apply it to Ireland only. Why should they now refuse equality of voting power between Great Britain and Ireland? The Irish votes, in addition to possessing the power shared by the British elector of voting for the Imperial Parliament, would have a right to vote for the Irish Legislature and, in some cases, could vote for three members for the Irish Assembly.

*Sir W. Harcourt* ridiculed the proposal in the clause and would not compare the values of votes for local as against Imperial interests.—*Clause withdrawn.* August 10th. Cols. 1807-1811.

NEW CLAUSE.—“Every subject of the Queen in Ireland shall be entitled to receive full protection and assistance from the Executive Government, so as to enable him to do any act he has a legal right to do, or to abstain from doing any act he has a legal right to abstain from doing: and if any Executive Officer, whose duty it shall be to afford such protection or assistance, shall neglect or refuse to afford it, the person injured thereby may sustain an action before the Exchequer Judges in respect of such injury, and may recover damages in consequence thereof.”

*Mr. Mildmay*, in moving the clause, said supremacy involved not only law-making, but its enforcement. All the safeguards in the Bill dealt with sins of commission, but sins of omission were equally important. The clause was a safeguard against the latter. In many parts of Ireland in times past the lives of men who fulfilled their legal obligations had needed police protection, and the clause would ensure the continuation of necessary protection. *Mr. Dillon* had said if the Irish Constabulary was broken up no landlord would dare to face a tenant. Such doctrine had been preached in Ireland for many years, and protection was essential for men who had been loyal to the Imperial Parliament. Parliament would be guilty of deliberate betrayal if these men were left without protection, in the face of the repeated declarations of Irish Nationalists “that in the days of the Irish Parliament these men were to be remembered.”

*Mr. Morley* argued that if the clause is met by the existing law it is unnecessary, and submitted that under the present law “there is ample security.”

*Mr. J. Chamberlain* said that though the existing law gave security, would it continue under the Bill? How can the Chief Secretary ensure that the law would not be altered. The Irish Government could not touch the land question for three years: disturbances between landlord and tenant would continue. Will the Irish members continue to protect those who needed it? The new Irish Government would consist of men connected with the Land and other leagues, and the Bill contained no provision that justice will be done. Threats have frequently been made as to what should happen when a national government was installed.

*Mr. Arnold Forster* supported the clause which was very necessary. If an officer of the law refused Habeas Corpus he was liable to penalty: protection was needed, and unless given, penalty should follow. Protection was now given in many cases because the Executive of the United Kingdom was responsible, but would the protection be afforded by an

executive composed of the members whose views were opposed to what we are accustomed to? If an attempt were made to replace Protestant and English Post Office servants in Dublin by Roman Catholic and Irish servants, protection against injustice was needed.

*Mr. Carson* pressed the importance of the clause. It dealt with the liberties and properties of the Unionist minority. The words of the clause had been taken from the Trade Union Acts and Criminal Law Procedure Act. Nationalist members had repeatedly threatened revenge on opponents, and quoted the following: "When we come out of the struggle we will take care that our friends shall receive their reward and that we shall take vengeance upon our enemies." He challenged the Irish members to withdraw all they had said about boycotting and evicted farms. Would the new Irish Government give protection to those who had taken evicted farms? The Unionists of Ireland looked for protection against the doctrines of rapine and plunder when the men who preached them were put into power.

*Sir J. Rigby* considered the clause vague and that the fears of members were exaggerated and contained a principle (action against Executive) which the Government could not accept. The ordinary law was sufficient.

*Sir H. James* contended protection was more matter of police than law.—*Clause rejected, 198 to 158.* August 10th. Cols. 1814-1855.

NEW CLAUSE.—"Any Member of the Executive Committee may attend and speak at any sitting of either House of the Legislature, but shall not be entitled to vote unless entitled as a Councillor, or as a Member of the Legislative Assembly."

*Mr. Courtney* said the object of the clause was to facilitate the action of the Executive in connection with the Irish Legislature and followed the French system. He thought the system might with advantage be adopted by the Imperial Parliament.

*Mr. Gladstone* would not discuss proposal on its merits. It was a matter for Irish Legislature.—*Negatived.* August 10th and 11th. Cols. 1855 and 24-39.

NEW CLAUSE.—"(1) If any question arises as to the powers conferred on the Legislature of Ireland under this Act in connection with any Bill introduced or passed by the two Houses of the Irish Legislature, the Lord Lieutenant may refer such question to Her Majesty in Council, and thereupon the said question shall be forthwith heard and determined by the Judicial Committee of the Privy Council constituted as if hearing an appeal from a Court in Ireland.

"(2) The decision of Her Majesty in Council on any question referred under this section shall be final, and a Bill which may be so decided to be, or contain a provision, in excess of the powers of the Irish Legislature shall not be assented to by the Lord Lieutenant, and until such decision all proceedings on such Bill shall be postponed."

*Viscount Wolmer* said a provision that the Lord Lieutenant could submit a Bill to the Privy Council was very necessary in order that if it was *ultra vires* it might be stopped before becoming an Act.

*Mr. A. J. Balfour* said the clause would make the Bill work more smoothly and would improve the difficulties of the position of the Lord Lieutenant.

*Mr. Gladstone* objected to the clause as it caused a question to be raised in an abstract form when nobody was injured.—*Rejected, 173 to 128.* August 11th. Cols. 30-58.

NEW CLAUSE.—"Immediately after the passing of this Act Her Majesty shall appoint in Ireland such person or persons as she may deem necessary to represent Her Majesty to enforce on Her behalf and in Her name any Imperial right or interest, and the



provisions of any Act of Parliament or any common law rights which the Irish Government have refused or omitted to enforce, and so many officers as Her Majesty may deem necessary for the due execution of any decision or order of the Privy Council, or of any judgment decree or order of the Exchequer Judges and the said last-mentioned officers, and also any persons employed by them shall be entitled to the same privileges, immunities and powers as are by law conferred on a Sheriff and his officers."

*Mr. Carson* said he moved the clause so as to provide the proper machinery for the maintenance of Imperial interests. It was following the plan of the Federal Executive in each State in the American Constitution, on which the Government Bill was founded.

*Mr. Morley* opposed the clause.—*Rejected, 155 to 104.* August 11th. Cols. 58-91.

**NEW CLAUSE.**—"The Judicial Commissioner and the other Commissioners under 'The Land Law (Ireland) Act, 1881,' and 'The Purchase of Land (Ireland) Act, 1885' (and Acts amending the same) shall, as vacancies occur, continue to be appointed by Her Majesty by Warrant under the Royal Sign Manual, and the Assistant Commissioners under the said Acts shall be appointed by the Lord Lieutenant acting on behalf of Her Majesty."

*Mr. Carson* considered that as the Irish Legislature were to have no power to legislate with regard to the land, it was equally important the Irish Executive should have no power with regard to the Land Commissioners.

A long discussion ensued, in which *Mr. J. Chamberlain*, *Mr. A. J. Balfour* and other leading members took part.

*Mr. Gladstone* defended *Mr. Vernon*, one of the Land Commissioners who had been criticised in the course of the debate. If the Irish Legislature appointed commissioners who would give effect to revolutionary ideas it would come under the notice of the Imperial Parliament. The Government would oppose the clause.—*Rejected, 173 to 138.* August 11th and 14th. Cols. 91-107 and 139-190.

**NEW CLAUSE.**—"All resolutions taken upon any matter or thing transacted in the Privy Council of Ireland, or in the Executive Committee of such Privy Council, shall be signed by such of the Privy Council as shall advise and consent to the same."

*Mr. Gibson Bowles'* object in moving the clause was to make Ministerial responsibility a reality instead of a sham. Cabinet responsibility was collective and not individual. If it was wished to enforce responsibility on any department of life, the only method was individual responsibility.—*Negatived.* August 14th. Cols. 191-194.

**NEW CLAUSE.**—"On or before a day to be appointed by Her Majesty in Council, and not later than one month before the appointed day, all papers, letters, and other documents of a confidential nature relating to the detection or punishment of crime, the administration of justice, and the treatment of prisoners which at that date shall be in the custody of any department or official in Ireland, shall be removed from Ireland, and shall be handed over to the custody of Her Majesty's Principal Secretary of State in London; and such papers, letters and documents shall not at any time be open to the inspection of any official save with the written permission of Her Majesty's Principal Secretary of State."

*Mr. Arnold-Forster* said if Home Rule were carried out it was necessary certain documents and papers which might compromise the safety or welfare of individuals should be removed from Ireland.

*Mr. Morley* pointed out that Clause 33 provided for the "transfer of such property . . . as to Her Majesty may seem necessary."—*Negatived.* August 14th. Cols. 194-205.

NEW CLAUSE.—"That it shall be lawful for the occupier of any premises (without any exception) to hoist and fly over them the Union Jack, and to hoist and fly the Royal Standard over any building (no matter what) where any member of the Royal Family may be at the time."

*Mr. Theobald* said as it was illegal in certain places in Ireland to hoist either the Union Jack or Royal Standard, he wished to remove the anomaly.—*Negatived.* August 14th. Cols. 205-207.

NEW CLAUSE.—"No civil action or proceeding whatsoever shall be commenced or prosecuted against anyone subject to military discipline for having refused to give assistance in Ireland when required either by any civil authority or in consequence of any civil disturbance, if such refusal is in accordance with military orders issued by the advice of the Secretary of State for War."

*Major Darwin* said the object of the clause was to prevent soldiers being prosecuted by a Civil Court for refusing to assist the civil power when such refusal was in accordance with military orders.

*Sir J. Rigby* considered the proposal one of the greatest interferences with the Constitution that could be proposed.

*Mr. Matthews* considered the proposal not unreasonable and that the Solicitor-General should have given more help as to the position of soldiers with regard to civil trouble.

*Mr. Asquith* considered the ordinary law would not be affected by the passing of the Home Rule Bill and that the military in Ireland were in the same position when called upon by the civil authority as they would be in England. The responsibility of the military cannot be mitigated in the slightest degree by any reference to headquarters.—*Rejected.* 172 to 143. August 14th. Cols. 207-224.

NEW CLAUSE.—"Upon an Address of both Houses of Parliament representing to Her Majesty that any Act passed by the Irish Legislature is, in their opinion, in contravention of Section 3 or Section 4 of this Act, or is in excess of any powers conferred by this Act, or ought for any reason to be suspended or repealed wholly or in part, Her Majesty may suspend such Act either absolutely or temporarily, and either in whole or in part."

*Mr. Kimber* said there were twelve sections and six or seven sub-sections dealing with matters on which the Irish Legislature could or could not legislate. There was no provision against evils arising from disregard of the limitations imposed.

*Mr. Gladstone* objected to the power proposed to be conferred on the Imperial Parliament or the Sovereign.—*Negatived.* August 15th. Cols. 247-257.

NEW CLAUSE.—"From and after the appointed day no writ of summons nor other civil process shall issue from any court in Ireland for service or substituted service outside of the jurisdiction of such court upon any person domiciled or ordinarily resident in England or Scotland."

*Mr. Gerald Balfour* said the clause provided for a return to the state of things which existed before the Union and for some time after.

*Sir J. Rigby* said the proposal suggested a vital change between the English and Irish Courts and would be humiliating to the Irish Courts.

*Sir R. Webster* pressed for further consideration of the clause, as the Solicitor-General did not appear to understand the change made by the Home Rule Bill. The Irish Parliament could alter Law of Evidence, Law of Procedure and Law of Execution, and we could only interfere by passing an Act which would be a breach of Home Rule Bill. The clause was reasonable and necessary for the protection of British subjects against vexatious and harassing litigation in Ireland.—*Rejected*, 198 to 147. August 15th. Cols. 257-284.

AMENDMENT TO CLAUSE 1.—To strike out the words which provide for creation of Second Chamber.

*Mr. Dalziel* said that many members had supported the Government in the division in Committee on this matter in the hope that at a later stage some alteration with regard to the £20 qualification would be made.

*Mr. Gladstone* said the present amendment was as to whether there should be a Second Chamber at all. Did not regard details of Second Chamber as vital, and saw no reason to depart from decision to have a Second Chamber, existence of such body being nearly absolute universal practice of the civilised world.—*Rejected*, 193 to 110. August 15th. Cols. 296-337.

CLAUSE 2.—After “laws” insert “in respect of all matters as applied to Ireland now dealt with in England by the following authorities respectively, namely :

- (a) The Board of Trade for England ;
- (b) The Education Department for England ;
- (c) The Local Government Board for England ;
- (d) Any County Council for England ;
- (e) Any Local Board of Health for England ;
- (f) Any Rural Sanitary Authority for England ;

together with full power to constitute Local Authorities and to delegate all or any of the above matters to any Local Authority to be so constituted and also full power to authorise the making, maintaining, and improving the railways, tramways, canals, water-works, reservoirs, gas and lighting works, fisheries, and all other things which are the subject matter of Bills known in either House of Parliament as local Bills.”

*Mr. Ambrose* moved the amendment so as to give Irish people complete system of local government.

*Mr. Morley* opposed on ground matter previously discussed.—*Negatived*. August 15th and 16th. Cols. 337 and 341-351.

CLAUSE 3, SUB-SECTION (7).—After “treason felony” insert “criminal procedure.”

*Mr. Dunbar Barton* explained that the words included “every question which protected or restricted the liability of any person charged with an offence,” whether regarded from the point of view of his right, or from the point of view of the general interests.

*Mr. Gladstone* did not agree that the matter was not one which could be left to the Irish Legislature ; the amendment was unnecessary.

*Mr. Asquith* said it was absurd to give Ireland power to enact a Criminal Bill for Ireland and also to take away the power of enforcing that law by proper procedure.—*Negatived*. August 16th. Cols. 354-369.

CLAUSE 3: New Sub-section to Clause 2: “The hours and conditions of labour in factories, workshops and mines, or—”

*Sir John Gorst* argued that this legislation was best in hands of Imperial Parliament.

A similar amendment had previously been discussed in Committee.—*Rejected*, 189 to 144. August 16th. Cols. 369-397.

CLAUSE 3 : To leave out "legal tender" and insert "currency."

*Rejected, 187 to 145. August 17th. Cols. 438-452.*

CLAUSE 3 : To leave out "legal tender" and insert "bills of exchange."

*Rejected, 190 to 156. August 17th. Cols. 452-468.  
(Similar amendments debated in Committee.)*

CLAUSE 3 : To insert a new sub-section : "the raising of moneys for State, county or borough purposes by means of any lottery or undertaking of a similar nature."

*Mr. Butcher* said his object was to prevent the Irish Legislature repealing certain Imperial Acts and so legalising a demoralising form of public gambling.

*Mr. Morley* opposed the amendment as unnecessary.—*Negatived.*  
August 17th. Cols. 469-473.

CLAUSE 3 : At end to add "or marriage and divorce."

*Rejected, 157 to 108. August 17th. Cols. 473-486.  
(Similar amendment debated in Committee.)*

CLAUSE 3 : To insert "Provided always the Irish Legislature shall not have power to pass resolutions or discuss any question connected with the subjects enumerated in Sub-section (3) unless the assent of the Lord Lieutenant, upon instructions given by Her Majesty, has been previously obtained."

*Lord George Hamilton* said the proviso was necessary as the naval and military forces of the Crown were the only instruments to assert the Imperial supremacy, and should not, therefore, be liable to interference by the Irish Legislature.

*Mr. Gladstone* objected to the amendment as it was a revival of Poyning's law, and stated that if the Irish Parliament was to remain on safe lines "we must show it a certain confidence."—*Rejected, 189 to 150.*  
August 17th. Cols. 486-506.

CLAUSE 4 : To insert "Giving any undue preference to any trade or industry (including agriculture) in Ireland so as prejudicially to affect any such trade or industry in Great Britain, or."

*Mr. Hobhouse* said the amendment was to protect British trade and agriculture against a possible danger that might arise under Home Rule. An attempt might be made to foster Irish industries, and if so, the Imperial Parliament ought to see that the methods adopted were not injurious to us.

*Mr. J. Morley* considered his own amendment did all that was possible.

*Mr. J. Chamberlain* considered premiums given to foster Irish industries would be injurious to British firms and that while the Courts might decide what was "undue preference" with regard to rates, the general matter could not so be dealt with.—*Rejected, 157 to 112.* August 18th. Cols. 535-570.

CLAUSE 4 : To add "or affecting the Constitution, endowments, or management of Trinity College or the University of Dublin."

*Mr. Carson* moved the amendment in order that as the Irish Parliament had power to establish a University, Dublin University should be left under the government of the Imperial Parliament.

*Mr. Morley* argued that there was no reason for alarm about Trinity College.—*Rejected*, 144 to 99. August 18th. Cols. 602-614.

CLAUSE 4: To add "Whereby the writ of *habeas corpus* may be suspended; or whereby any Bill of Attainder or *ex post facto* law may be passed; or."

*Rejected*, 166 to 122. August 22nd. Cols. 804-818.  
(*Similar amendments moved in Committee*.)

CLAUSE 4: To add "Whereby any special rights, powers, privileges or immunities now possessed or enjoyed by judges, jurors, witnesses and officers concerned or engaged in the administration or execution of the law may be prejudicially affected; or."

*Mr. Byrne* considered the rights and privileges of those concerned in the administration of the law second only in importance to the powers of the executive itself. His object in moving the amendment was to secure an independent judiciary.

*Sir J. Rigby* said if the theory were admitted that the Irish Legislature were unfit to legislate, hundreds of similar amendments might be proposed.—*Negatived*. August 22nd. Cols. 818-827.

CLAUSE 4: To add "Whereby the Law of Conspiracy may be altered."

*Mr. Rentoul* said it was important this law should be similar throughout the United Kingdom. A very small alteration of the law might make a very material difference.—*Negatived*. August 22nd. Cols. 827-831.

CLAUSE 5: Leave out "in Her Majesty's name" and insert "as representing Her Majesty."

*Mr. Parker Smith* said it was more than a verbal amendment. "In Her Majesty's name" signified an act was done on the advice of the Irish Executive, but the words of the amendment meant that the Lord Lieutenant was acting on the advice of the Imperial Government. There might be foreign complications which made it important the Imperial Parliament should without delay summon or prorogue the Irish Legislature.

*Mr. J. Morley* opposed the amendment.—*Rejected*, 127 to 83, August 23rd. Cols. 861-869.

CLAUSE 5: After "summon" insert "at least once a year."

*Sir H. James* said, although the object of the Amendment was included in the Schedule, under the 29th Section, the Irish Legislature could repeal that provision, so it was better in the Bill itself.

*Amendment accepted*. August 23rd. Cols. 869-871.

CLAUSE 5: Add "And at the expiration of forty days from the date of such instrument of delegation having been so presented to the two Houses of Parliament, but not before, such delegation shall become effective and binding, unless in the meantime an Address has been presented by both of the said Houses praying Her Majesty to revoke or cancel such delegation."

*Mr. Ambrose* said whilst the powers of the Irish Legislature had been qualified, the powers of the Executive, which were equally important, had been forgotten. Delegating the prerogative of the Crown would give the Irish Legislature the power of condoning criminal offences. The Imperial House ought to retain control of delegations.

*Mr. Gladstone* said the delegations must under the Bill be submitted to Parliament forthwith, but the amendment aimed at the delegations being submitted before coming into force.—*Negatived*. August 23rd. Cols. 871-875.

CLAUSE 5: Add "Provided always the Lords Lieutenant of counties shall be appointed by the Lord Lieutenant of Ireland as representing Her Majesty."

*Mr. Hanbury* moved the addition to the clause in order to make the position quite clear. The phrase in the Bill, "subject to instructions," were too general and vague.

*Sir C. Russell* explained that definite instructions could not at once be given, but would be given as necessity arose.

*Mr. Dane* gave a detailed explanation of the offices of Lord Lieutenant and *Custos Rotulorum*.

*Mr. Morley* accepted the amendment with the omission of the word "Lords."—*Amended amendment agreed to.* August 23rd. Cols. 875-890.

CLAUSE 5, Section 2: Omit "or as may be directed by Irish Act."

*Mr. Bolton* moved this amendment as the discussion in Committee was unsatisfactory. So far as Colonial constitutions were concerned there was no precedent for such an arrangement. To leave the appointment of an Executive to the Crown or to an Irish Act left the matter in too much uncertainty.

*Mr. Gladstone* opposed the amendment on the ground that as the business of the Executive was a purely Irish affair it should be regulated by the Irish Legislature.—*Withdrawn.* August 23rd. Cols. 890-908.

CLAUSE 5: Insert "(3) The Lord Lieutenant shall not do or omit to do any act upon the advice of the Executive Committee, or until he has received Her Majesty's instructions thereupon—

(a) In respect of any of the matters upon which the Irish Legislature are disabled from legislating under Section 3 of this Act; nor

(b) Whereby any person or corporation would be injuriously affected in respect of any of the matters in regard to which they are protected as against legislation by the Irish Legislature under Section 4 of this Act;

and it shall be unlawful for any Executive officer in Ireland, except by the direction of the Lord Lieutenant acting under Her Majesty's instructions as aforesaid, to do or omit to do any such Act."

*Lord Cranborne* said all matters excluded from the Irish Legislature ought also to be excluded from the Irish Executive. It should be clear in the Bill that on some subjects the Irish Executive could not give advice to the Lord Lieutenant, and that on such subjects he should only consult the Imperial Government. In cases of extradition, treason, &c., it should not be possible for the Irish Executive to advise the Lord Lieutenant to suspend his due action.

*Sir C. Russell* said the amendment assumed antagonism between the Lord Lieutenant in his Imperial capacity and in his local capacity; the Government could not admit the possibility of such antagonism.

*Mr. J. Chamberlain* said if the Irish Executive tendered advice officially, the Lord Lieutenant was bound to accept such advice or dismiss the Executive. The Lord Lieutenant has to act in two capacities, in one as a person advised by the Irish Executive, and in the other as representing Her Majesty. With regard to excluded matters, must he act in the latter capacity? If he is, why does the Government object to the amendment?

*Mr. Wyndham* said Mr. Bryce in dismissing an amendment moved in Committee had stated that the Irish Executive would be subjected to the same restrictions as the Irish Legislature—this was the object of the amendment.

*Mr. Bryce* accepted the statement attributed to him. It had always been the opinion of the Government that the Lord Lieutenant should be guided by the Imperial Government in Imperial matters, and that the same restrictions should apply to the Irish Executive as to the Irish Legislature. On some matters, although he may consult the Irish Executive, he will act on advice of Imperial Government "and that only." The amendment, however, set up a double Executive in Ireland.

*Mr. A. J. Balfour* argued that the Government position was full of inconsistencies, and that as limitations on the Executive were necessary, they should be included in the Bill and not left to the haphazard policy of successive governments.—*Rejected, 200 to 146.* August 24th. Cols. 909-1010.

CLAUSE 5: Add "Provided always that there shall be a Secretary for Ireland holding office in the Imperial Ministry and who may be a member of either House of Parliament."

*Mr. Hanbury* said he wished to provide that the new Irish Constitution should be worked as others in the Empire were worked. There were Secretaries for India, the Colonies, Scotland and Ireland. So far as giving Irish matters to the charge of the Home Secretary, he was already overworked and had less than other Ministers to do with Ireland. Under Grattan's Parliament, the Executive was an English Executive, but under the Bill the Executive would be controlled by the Irish Legislature. An Irish Minister was necessary and there was abundance of work for one.

*Mr. W. E. Gladstone* was very jealous of the constitution of offices by Statute. The representation of Irish affairs in the Imperial Parliament did not necessitate a separate office for Ireland. He objected to the continuance of the perpetual supervision of Irish affairs by the Imperial Parliament.—*Rejected, 188 to 135.* August 24th. Cols. 1011-1042.

CLAUSE 5. Sub-section (3): Omit "on the advice of the said Executive Committee." and insert "in accordance with instructions given by Her Majesty."

*Sir R. Temple* said the sub-section provided that the assent of the Lord Lieutenant depended, as a rule, on the advice of the Irish Executive. The amendment would put him into the position of assent or not as an Imperial officer. It was not to be expected that the veto would be advised by those representing the majority of the Irish Legislature; therefore, as a safeguard, the veto was only a sham unless it could be used independently by an Imperial officer.

*Mr. Gladstone* said the amendment would take from the Executive Council all semblance of functions with regard to legislation. It would destroy the Bill, as it would be a mockery if every Bill passed by both Irish Houses was to be determined by directions from England.—*Rejected 196 to 146.* August 24th. Cols. 1042-1052.

CLAUSE 5 (3): Omit "give or withhold the assent of Her Majesty to Bills passed by the two Houses of the Irish Legislature, subject" and insert "but."

*Mr. Macartney* said the amendment would make Imperial supremacy an actual fact and give the necessary protection for the minority.

*Mr. Gladstone* said the restriction was unnecessary owing to the geographical position of Ireland.—*Negotiated.* August 25th. Cols. 1108-1115.

CLAUSE 5 (3): After "nevertheless" insert "to the provisions of this Act, and."

*Mr. Gerald Balfour* said the amendment would give the Lord Lieutenant power to act on his own responsibility and discretion.

*Mr. Gladstone* said the Lord Lieutenant did possess the power desired, but if not the amendment would not give it.—*Negatived.* August 25th. Cols. 1115-1131.

CLAUSE 5 (3): Add "Provided that, except upon instructions given by Her Majesty, no such assent shall be given by the Lord Lieutenant until the expiration of forty days after such Bills have been passed by the two Houses of the Irish Legislature."

*Mr. Butcher* said the object of the amendment was to give reality to the safeguard of the Imperial veto and to allow time for the Imperial Government to give instructions to the Lord Lieutenant in case of necessity.

*Mr. Morley* said the Government would interfere with unjust or oppressive legislation, and he did not consider the Irish Legislature would be more likely to commit acts of folly than any other similar body. It was impossible for many measures to wait forty days.—*Negatived.* August 25th. Cols. 1132-1137.

CLAUSE 5 (3): Add "Provided that in the case of Bills for appropriating any part of the public revenue, it shall be lawful for the Lord Lieutenant, in pursuance of instructions given by Her Majesty to particular provisions of such Bills."

*Mr. Gerald Balfour* moved the amendment so as to provide some remedy against "tacking."—*Negatived.* August 25th. Cols. 1137-1165.

CLAUSE 5: Add "Whenever any Bill which shall have been presented for Her Majesty's assent to the Lord Lieutenant shall by the Lord Lieutenant have been assented to in Her Majesty's name the Lord Lieutenant shall forthwith transmit to one of Her Majesty's principal Secretaries of State an authentic copy of such Bill so assented to: and it shall be lawful at any time within one year after such Bill shall have been so received by the Secretary of State for Her Majesty by Order in Council to declare her disallowance of such Bill; and such disallowance, together with a certificate under the hand and seal of the Secretary of State, certifying the day on which such Bill was received as aforesaid, being signified by the Lord Lieutenant to the Irish Legislature by speech or message to such Legislature, or by proclamation in the *Irish Government Gazette*, shall make void and annul the same from and after the day of such signification."

*Lord Carmarthen* said he had a similar amendment in Committee which was shut out by closure. The provision suggested was to be found in all Colonial constitutions.

*Sir C. Russell* objected to the amendment. The Bill gave legislative power within a defined area and subject to defined limitations, but the policy was to allow freedom within that sphere but not independence.—*Negatived.* August 25th. Cols. 1165-1169.

CLAUSE 5: Add "The prerogative of mercy shall not be exercised by the Lord Lieutenant on behalf of Her Majesty, except upon the advice of one of Her Majesty's principal Secretaries of State."

*Mr. Arnold Forster* considered the prerogative of mercy should remain with the Imperial House and not in Ireland be handed over to a party which never had shown mercy to anyone opposed to it, and which had been the most unmerciful and cruel in the history of the country.—*Negatived.* August 25th. Cols. 1169-1177.



CLAUSe 5 : Add " Provided that such power of giving or withholding the assent of Her Majesty to Bills shall not be exercised by any executive officer or officers for the time being appointed in the place of the Lord Lieutenant."

*Mr. Hayes Fisher* moved this amendment in order that the veto, which was the keystone of the Bill, should not be exercised by those appointed for the time being to act for the Lord Lieutenant. — *Rejected*. August 25th. Cols. 1177-1180.

CLAUSe 5 : Add " Provided always that in assenting to any Bill whereby the rules of the National Board of Education in Ireland at present in force may be altered, or to any alteration by the said Board of the said rules, the Lord Lieutenant shall act on behalf of Her Majesty."

This amendment was under discussion when the closure was put into force.—*Rejected*. 227 to 191. August 25th. Cols. 1180-1187.

The remaining amendments were also dealt with under Closure and without discussion. August 25th. Col. 1188.

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#### GUILLOTINED AMENDMENTS AND NEW CLAUSES.

*The following amendments and new clauses were placed on the Order Paper of the House of Commons to be moved, to the Home Rule Bill, 1893, during the Committee stage. They were shut out by the closure and were consequently not discussed.*

*The clauses of the Bill to which they refer are reprinted at the head of each set of amendments in larger type.*

- 5        5. (1) The executive power in Ireland shall continue vested in Her Majesty the Queen, and the Lord Lieutenant, on behalf of Her Majesty, shall exercise any prerogatives or other executive power of the Queen the exercise of which may be delegated to him by Her Majesty, and shall, in Her Majesty's name, summon, prorogue,  
10 and dissolve the Irish Legislature.
- (2) There shall be an Executive Committee of the Privy Council of Ireland to aid and advise in the Government of Ireland, being of such numbers, and comprising persons holding such offices, as Her Majesty may think fit, or as may be directed by Irish Act.
- 15 (3) The Lord Lieutenant shall, on the advice of the said Executive Committee, give or withhold the assent of Her Majesty to Bills passed by the two Houses of the Irish Legislature, subject nevertheless to any instructions given by Her Majesty in respect of any such Bill.

Marquess of Carmarthen—

Cl. 5, l. 19: At end, add the following sub-sections:—

(4) Where the Lord Lieutenant assents to a Bill in the Queen's name, he shall by the first convenient opportunity send an authentic copy of the Act to one of Her Majesty's principal Secretaries of State,

and if the Queen in Council, within two years after receipt thereof by the Secretary of State, thinks fit to disallow the Act, such disallowance (with a certificate of the Secretary of State of the day on which the Act was received by him) being signified by the Lord Lieutenant by speech or message to each of the Houses of Legislature or by proclamation, shall annul the Act from and after the day of such significations.

(5) A Bill reserved for the signification of the Queen's pleasure shall not have any force unless and until, within two years from the day on which it was presented to the Lord Lieutenant for the Queen's assent, the Lord Lieutenant signifies by speech or message to each of the Houses of the Legislature or by proclamation that it has received the assent of the Queen in Council.

*Major Darwin—*

*Cl. 5, l. 19:* At end, add the following sub-section:—

(4) No action or proceeding whatsoever shall be commenced or prosecuted against anyone subject to military discipline for having refused to give assistance in Ireland when required, either by any civil authority or in consequence of any civil disturbance, if such refusal is in accordance with military orders issued by the advice of the Secretary of State for War.

*Sir Henry James—*

*Cl. 5, l. 19:* At end, add:—

(4) Whenever in this Act it is stated that any power is to be exercised by Her Majesty in Council, the words shall be read as meaning that such power shall be exercised by Her Majesty in Council upon the advice of Her Privy Council.

*Mr. Butler—*

*Cl. 5, l. 19:* At end, add:—

Provided that, except upon instructions given by Her Majesty, no such assent shall be given by the Lord Lieutenant until the expiration of forty days after such Bills have been passed by the two Houses of the Irish Legislature.

*Major Darwin—*

*Cl. 5, l. 19:* At end, add the following sub-section:—

The lieutenants of counties shall be appointed by Her Majesty on the advice of the Secretary of State for War. Any lieutenant of a county shall have power to appoint any person or persons to carry out the provisions of either the Army Act or other Act with regard to the movement or billeting of troops, or to the impressment of carriages for military purposes, or to the balloting for the Militia, or for the apprehension of deserters, or of any Act with regard to the training of persons in the use of arms or the practice of military evolutions or exercises; and for such purposes such person or persons shall have all the powers which under the said Acts may be exercised by a justice of the peace or by a constable. Sub-section 4, and so much of Sub-section 5 as applies to the Lord Lieutenant of the Fifty-third section of the Militia Act of 1882 is hereby repealed.

*Mr. Bousfield—*

*Cl. 5, l. 19:* At end, add the following sub-sections:—

Every Bill which has passed both Houses of the Irish Legislature shall be laid before each House of Parliament, and shall not, except in case of urgency, be presented to the Lord Lieutenant for Her Majesty's assent until forty days after it has been laid before both Houses of Parliament.

If within such forty days an Address be moved in both Houses of Parliament praying that Her Majesty's assent be not given to such Bill, and if both Houses of Parliament present such address to Her Majesty, such Bill shall be null.

Provided, nevertheless, that if the Lord Lieutenant is advised by the Executive Committee of the Privy Council of Ireland that the immediate enactment of any Bill is a matter of urgency, such Bill may be immediately presented to the Lord Lieutenant for Her Majesty's assent.

*Mr. Gerald Balfour—*

*Cl. 5, l. 19:* At end, add:—

Provided that, in the case of Bills for appropriating any part of the public revenue, or for imposing any tax, the Lord Lieutenant may, on the advice of the Executive Committee, or in pursuance of instructions given by Her Majesty, give or withhold the assent of Her Majesty to particular provisions of such Bills.

*Cl. 5, l. 19: At end, add:—*

(4) (a) The aid of the naval or military forces shall be afforded to the civil power only with the sanction of the Lord Lieutenant, acting on instructions given by Her Majesty;

(b) Such naval or military forces, when employed in aid of the civil power, shall be under the sole and exclusive command of their own officers, who alone shall control their action and movements;

(c) No proceeding against any officer or man serving in the naval or military forces, in respect of any act committed by him when so acting in aid of the civil power, shall be taken except with the consent of the Lord Lieutenant, acting on instructions from Her Majesty.

*Mr. Parker Smith:—*

*Cl. 5, l. 19: At end, add:—*

(4) If it shall appear to the Lord Lieutenant, on the advice of a Secretary of State, that it is matter of doubt whether a Bill passed by the two Houses of the Irish Legislature is beyond the powers of the Irish Legislature, he may reserve the assent of Her Majesty until such times as the question has been determined by the Judicial Committee of the Privy Council as hereinafter provided.

*Sir Richard Temple:—*

*Cl. 5, l. 19: At end, add:—*

(4) The Lord Lieutenant shall, subject to the above conditions, have the power of cancelling and annulling resolutions passed by either House or both Houses of the Irish Legislature.

(5) Any petition from either House, or both Houses of the Irish Legislature, to Her Majesty's Government or to Parliament, shall be forwarded to the Lord Lieutenant, who shall at his discretion, and subject to the above conditions, transmit or withhold transmission of the same.

*Mr. Bartley:—*

*Cl. 5, l. 19: At end, add:—*

Provided always, that no such Bill shall refer to any one of the matters specified in Section 3 of this Act, or to the restrictions specified in Section 4 of this Act.

*Mr. Carson:—*

*Cl. 5, l. 19: At end, add:—*

(4) Proceedings by petition of right may be commenced and prosecuted in respect of any just claim or demand whatever against the Government of Ireland.

*Sir Henry James:—*

*Cl. 5, l. 19: At end, add:—*

(4) All the powers of jurisdiction to be exercised in accordance with the provisions of "The Foreign Enlistment Act 1870," and "The Fugitive Offenders Act 1881," by the Lord Lieutenant, or Lords Justices, or other Chief Governor or Governors of Ireland, or the Chief Secretary of the Lord Lieutenant, shall be exercised by the Lord Lieutenant in pursuance of instructions given by Her Majesty.

*Mr. Kimber:—*

*Cl. 5, l. 19: At end, add:—*

(4) None of the persons who were found by the Report of the Special Commission, 1888, to have been guilty of a criminal conspiracy shall be appointed on the said Executive Committee or to any executive authority in the Government of Ireland.

*Mr. Mildmay:—*

*Cl. 5, l. 19: At end, add:—*

(4) Every British subject in Ireland shall be entitled to receive full protection and assistance from the Executive Government, so as to enable him to do any act he has a legal right to do, or to abstain from doing any act he has a legal right to abstain from doing; and if any executive officer, whose duty it shall be to afford such protection and assistance, shall neglect or refuse to afford it, the person injured thereby may sustain any action before the Exchequer Judges in respect of such injury, and recover damages in consequence thereof.

*Cl. 5, l. 19:* At end, add:—

Provided always, that if the Lord Lieutenant shall give the assent of Her Majesty to a part only of any Bill, that part shall not become law until it has been again submitted to the two Houses of the Irish Legislature and has received their consent.

6. (1) The Irish Legislative Council shall consist of *forty-eight* councillors.

(2) Each of the constituencies mentioned in the First Schedule to this Act shall return the number of Councillors named opposite thereto in that Schedule.

(3) Every man shall be entitled to be registered as an elector, and when registered to vote at an election, of a councillor for a constituency, who owns or occupies any land or tenement in the constituency of a rateable value of more than *twenty* pounds, subject to the like conditions as a man is entitled at the passing of this Act to be registered and vote as a parliamentary elector in respect of an ownership qualification or of the qualification specified in section five of the Representation of the People Act, 1884, as the case may be: Provided that a man shall not be entitled to be registered, nor if registered to vote at an election of a councillor in more than one constituency in the same year.

(4) The term of office of every councillor shall be *eight* years, and shall not be affected by a dissolution; and one *half* of the councillors shall retire in every *fourth* year, and their seats shall be filled by a new election.

*Mr. Griffith-Boscawen—*

*Cl. 6, l. 21:* After "Council" leave out to end of Sub-section (1).

*Mr. Bousfield—*

*Cl. 6, l. 21:* Leave out all after "shall" and insert "be composed of the Members of Parliament for the time being representing Irish constituencies."

*Mr. Henry Hobhouse—*

*Cl. 6, l. 21:* After "consist" insert "partly of councillors appointed for life, and partly."

*Mr. Gibson Bowles—*

*Cl. 6, l. 21:* After "of" leave out to end of clause, and insert "all Peers of that part of the United Kingdom called Ireland."

*Mr. Brodrick—*

*Cl. 6, l. 21:* After "of" insert "all members of the Irish Privy Council, all Irish Peers who have filled or are filling political and judicial offices or diplomatic offices under the Crown, and of."

*Mr. Webster—*

*Cl. 6, l. 21:* Leave out "forty-eight" and insert "eighty."

*Mr. Harrington—*

*Cl. 6, l. 21:* Leave out "forty-eight" and insert "ninety-six."

*Mr. Henry Hobhouse—*

*Cl. 6, l. 21:* Leave out "forty-eight" and insert "elected."

*Mr. Charles Darling—*

*Cl. 6, l. 22:* Before "councillors" insert "women."

*Mr. Grant Lanyon—*

*Cl. 6, l. 22:* After "councillors" insert "to be elected in the manner hereinafter provided by the Peers of Ireland."

*Mr. Lopes—*

*Cl. 6, l. 22:* After "councillors" insert "elected as in this Act provided, together with twenty-four councillors to be nominated for a period of eight years by the Crown on the advice of the Lord Lieutenant of Ireland."

Mr. Hasbany—

*Cl. 6, l. 22:* After "councillors" insert "who shall take the oath of allegiance or affirm the same in such manner as is used in the Imperial Parliament."

*Cl. 6, l. 22:* After "councillors" insert "who shall be subject to the provisions of the Act of the sixth year of Anne, Chapter 41, and subsequent Acts amending the same, in respect of the holding of offices under the Crown."

Marquess of Carmarthen—

*Cl. 6, l. 22:* After "councillors," insert :—

(2) He shall be of the full age of thirty years;

(3) He shall be either a natural born subject of the Queen or a subject of the Queen naturalised by Act of Parliament;

(4) He shall at the date of his election, and during the period of his membership, be *bona fide* possessed of property which (a) if realty, or partly realty and partly personalty, yields two hundred pounds a year or upwards, free of all charges; or (b) if personalty yields the same income or is of the capitalised value of four thousand pounds or upwards, free of all charges;

(5) He shall have his real property qualification in the constituency which he represents, or be resident in the constituency.

Mr. Henry Hobhouse—

*Cl. 6, l. 22* (as amendments to the Marquess of Carmarthen's proposed amendment) :—

Before "election" insert "appointment or."

After "constituency" insert "or, if a councillor appointed for life, shall be resident in Ireland."

*Cl. 6, l. 22:* After "councillors" insert :—

The councillors appointed for life shall be such qualified persons as may be, from time to time, summoned by Her Majesty acting by one of Her principal Secretaries of State: Provided that the number of councillors so appointed shall at no time exceed the number of councillors elected under the provisions of this section.

Mr. Bartley—

*Cl. 6, l. 22:* After "councillors" insert "subject to any increase in their numbers from time to time provided for by Parliament."

Mr. Rathbone—

*Cl. 6, l. 22:* At end, add :—

(2) In the event of the establishment by Irish Act of elective councils, with powers of local government for the several counties, ridings, and boroughs mentioned in the First Schedule to this Act, the legislative councillors shall be elected by those councils, and each council shall return the number of councillors named opposite thereto in that Schedule.

(3) Until the establishment of such elective councils,

Mr. Webster—

*Cl. 6, l. 23:* Leave out Sub-section (2).

Mr. Bartley—

*Cl. 6, l. 23:* Leave out "first" and insert "second."

Sir Richard Temple—

*Cl. 6, l. 24:* After "councillors" insert "of whom twenty-eight shall be peerage members and twenty elected members."

Mr. Labouchere—

*Cl. 6, l. 25:* After "schedule" insert "and the electors of councillors shall be the parliamentary voters for the time being in each constituency."

Mr. Parker Smith—

*Cl. 6, l. 25:* Insert "The constituencies shall be so divided as each to return three or five members, and no elector shall be entitled to vote for more than one candidate, but may transfer his vote according to the rules in the schedule."

Mr. Courtney—

*Cl. 6, l. 25:* Leave out "man" and insert "person."

Mr. Walter M'Laren—

*Cl. 6, l. 26:* After "man" insert "or woman."

Major Jones—

*Cl. 6, l. 26 :* Leave out from “ to ” to “ vote,” in Line 27.

*Cl. 6, l. 28 :* Leave out from “ who ” to “ is,” in Line 30.

Mr. Henry Hobhouse—

*Cl. 6, l. 28 :* Leave out “ or occupies,”

Lord Randolph Churchill—

*Cl. 6, l. 28 :* After “ occupies ” insert “ any dwelling house, office, and curtilage in the constituency of a rateable value in the aggregate of five pounds or upwards, or any land or tenement of the same rateable value, and appearing from the rate book of any union to be situate in any city, town, or village therein, or any other lands and tenements situate elsewhere within the same.”

*Cl. 6, l. 29 :* Leave out “ constituency ”

Marquess of Carmarthen—

*Cl. 6, l. 29 :* Leave out “ rateable ” and insert “ net annual.”

*Cl. 6, l. 29 :* Leave out “ more than twenty ” and insert “ forty.”

Viscount Wolmer—

*Cl. 6, l. 29 :* Leave out “ twenty ” and insert “ fifty.”

Mr. Seton-Karr—

*Cl. 6, l. 29 :* Leave out “ twenty ” and insert “ two hundred.”

Sir Richard Temple—

*Cl. 6, l. 29 :* Leave out “ twenty pounds ” and insert “ two hundred pounds, or personalty yielding three hundred pounds a year.”

Marquess of Carmarthen—

*Cl. 6, l. 29 :* After “ pounds ” insert “ or upwards.”

Mr. Henry Hobhouse—

*Cl. 6, l. 29 :* After “ pounds ” insert “ or, in the case of a borough constituency, owns or occupies any land or tenement therein of a like rateable value.”

Major Jones—

*Cl. 6, l. 32 :* Leave out from beginning of line to “ Provided,” in Line 34.

Mr. Henry Hobhouse—

*Cl. 6, l. 32 :* Leave out from the first “ qualification ” to “ provided,” in Line 34.

Mr. Kimber—

*Cl. 6, l. 34 :* After “ case may be ” insert “ except that no person shall be entitled to be registered as an elector, or to vote, who is unable to write his own name, and to read and fill up a ballot paper without assistance.”

Viscount Wolmer—

*Cl. 6, l. 34 :* Leave out from “ may be ” to end of clause.

Mr. Courtney—

*Cl. 6, l. 34 :* Leave out “ man ” and insert “ person.”

Major Jones—

*Cl. 6, l. 35 :* Leave out “ to be registered, nor if registered.”

Sir Richard Temple—

*Cl. 6, l. 35 :* Before “ councillor,” insert “ elected.”

Sir Thomas Lea—

*Cl. 6, l. 36 :* After Sub-section (3) insert :—

(4) In no case shall any election to the Legislative Council be held on a Sunday.

Mr. Webster—

*Cl. 6, l. 37 :* Leave out Sub-section (4).

Mr. Bartley—

*Cl. 6, l. 37 :* Leave out from “ shall be ” to end of clause and insert “ for life.”

*Mr. Heneghy—*

*Cl. 6, l. 37 :* Leave out " eight " and insert " five."

*Mr. Thomas Henry Bolton—*

*Cl. 6, l. 37 :* Leave out " eight " and insert " ten."

*Mr. Heneghy—*

*Cl. 6, l. 37 :* Leave out from " eight years " to end of clause.

*Mr. Thomas Henry Bolton—*

*Cl. 6, l. 39 :* Leave out " fourth " and insert " fifth."

*Viscount Wolmer—*

*Cl. 6 :* At end of clause add :—

(5) Each councillor shall at the date of his election, and during his period of membership, be *bona fide* possessed of property which—

- (a) If realty, or partly realty and partly personalty, yields two hundred pounds a year or upwards, free of all charges; or
- (b) If personalty, yields the same income, or is of the capital value of four thousand pounds or upwards, free of all charges.

*Mr. Gerald Balfour—*

*Cl. 6, l. 40 :* At end of clause add :—

The members of the Legislative Council shall not receive compensation for their services from any public fund.

*Sir Richard Temple—*

*Cl. 6, l. 40 :* After Sub-section (4) add :—

(5) The offices of the peerage members shall be filled as follows :  
(2) Each of the Irish Peers who on the appointed day is one of the twenty-eight representative Irish Peers shall, on giving his written assent to the Lord Lieutenant, become a peerage member; and if any such Peer vacates his office by death or resignation, the vacancy shall be filled by the election to that office by the Irish Peers of one of their number in the manner heretofore in use respecting the election of Irish representative Peers.

(6) A peerage member shall be entitled to hold office during his life.

7. (1) The Irish Legislative Assembly shall consist of *one hundred and three* members, returned by the existing parliamentary constituencies in Ireland, or the existing divisions thereof, and elected by the parliamentary electors for the time being in those  
5 constituencies or divisions.

(2) The Irish Legislative Assembly when summoned may, unless sooner dissolved, have continuance for *five* years from the day on which the summons directs it to meet and no longer.

10 (3) After *six* years from the passing of this Act, the Irish Legislature may alter the qualification of the electors, and the constituencies, and the distribution of the members among the constituencies, provided that in such distribution due regard is had to the population of the constituencies.

*Mr. Kimber—*

*Cl. 7, l. 1 :* At beginning insert :—

(1) The Irish Legislative Assembly shall not be summoned until the distribution of the members among the constituencies of Ireland has been altered, and the existing disparities therein adjusted.

*Mr. Little—*

*Cl. 7, l. 1 :* Leave out from " shall " to end of clause and insert " be returned by the thirty-seven constituencies described in the Eighth, Ninth and Tenth Schedules to this Act. Each of the fifteen constituencies in the Eighth Schedule shall return four members, and each of the twenty-one constituencies in the Ninth Schedule shall return three members, and the constituency in the Tenth Schedule shall return two members. The electors shall be the voters on the parliamentary registers for the time being in existence in the said constituencies, and each of the said electors shall only be entitled to vote for one candidate for the Irish Legislative Assembly."

Mr. Harrington—

*Cl. 7, l. 1:* Leave out from “of” to end of sub-section and insert “two hundred-and-six members.”

Mr. Bartley—

*Cl. 7, l. 1:* Leave out “one hundred and three” and insert “eighty.”

Mr. Webster—

*Cl. 7, l. 2:* Leave out “three” and insert “sixty.”

Mr. Hanbury—

*Cl. 7, l. 2:* After “Members” insert “who shall be subject to the provisions of the Act of the sixth year of Anne, Chapter forty-one, and subsequent Acts amending the same, in respect of the holding of offices under the Crown.”

Mr. Webster—

*Cl. 7, l. 2:* Leave out from “Members” to end of clause.

Viscount Wolmer—

*Cl. 7, l. 2:* Leave out from “Members” to “elected” in Line 4.

Mr. Henegap—

*Cl. 7, l. 2.* Leave out from “returned” to end of Sub-section (1) and insert “by constituencies to be hereafter constituted by an equitable redistribution of seats, having due regard to population, area and taxation.”

Mr. Parker Smith—

*Cl. 7, l. 2:* Leave out from “the” to “and” in Line 3, and insert “constituencies mentioned in the First Schedule of this Act, such constituencies being as near as may be proportional in population to the number of members returned by them.”

Mr. Sten-Karr—

*Cl. 7, l. 2:* Leave out “existing parliamentary.”

Mr. Barthly—

*Cl. 7, l. 2:* Leave out from “existing” to end of Sub-section, and insert “constituencies mentioned in the Second Schedule.”

Mr. Sten-Karr—

*Cl. 7, l. 3:* Leave out “or the existing divisions thereof” and insert “named in the First Schedule hereto.”

Viscount Wolmer—

*Cl. 7, l. 4:* Leave out “those” and insert “the.”

Mr. Hanbury—

*Cl. 7, l. 5:* After “divisions” insert “and who shall take the oath of allegiance or affirm the same in such manner as is used in the Imperial Parliament.”

Mr. Parker Smith—

*Cl. 7, l. 5:* At end insert “The constituencies shall be so divided as each to return three or five members, and no elector shall be entitled to vote for more than one candidate, but may transfer his vote according to the rules in the schedule.”

Mr. Walter M'Laren—

*Cl. 7, l. 5:* At end add “and by such women who possess the same qualifications which entitle men to vote.”

Mr. Kimber—

*Cl. 7, l. 5:* At end add:—

No existing elector shall be entitled to vote, and in future no person shall be entitled to be registered as an elector or to vote who is unable to write his own name and to read and fill up a ballot paper without assistance.

Marquess of Carmarthen—

*Cl. 7, l. 5:* After Sub-section (1) insert:—

(2) Every member of the Legislative Assembly shall be either a natural-born subject of the Queen or a subject of the Queen naturalised by Act of Parliament.



*Mr. Harrington—*

*Cl. 7, l. 5:* After Sub-section (1) insert the following sub-sections:—

(2) Each of the constituencies named in the Second Schedule to this Act shall return the number of members named opposite thereto in that Schedule:

(3) The members of the House of Commons of Ireland shall be elected by such persons as are entitled at the time of the passing of this Act to be registered and to vote as parliamentary electors: Provided that a man shall not be entitled to be registered, nor if registered to vote, at an election of a member in more than one constituency in the same year.

*Sir Thomas Lea—*

*Cl. 7, l. 5:* After Sub-section (1) insert:—

(2) In no case shall any election to the Irish Legislative Assembly be held on a Sunday.

*Viscount Wolmer—*

*Cl. 7, l. 7:* Leave out “five” and insert “seven.”

*Mr. Webster—*

*Cl. 7, l. 9:* Leave out Sub-section (3) and insert:—

After the passing of this Bill boundary commissioners shall be appointed to redistribute the electoral districts in Ireland in equitable proportion to the population of the country and the number of districts to be represented either in Imperial Parliament, the Legislative Council, or the Legislative Assembly. Such redistribution of seats to remain undisturbed until the first census is taken after 1899.

*Mr. Robert Wallace—*

*Cl. 7, l. 9:* Leave out “after six years from the passing of this Act.”

*Mr. Barley—*

*Cl. 7, l. 9:* Leave out “passing of this Act,” and insert “appointed day.”

*Marquess of Carmarthen—*

*Cl. 7, l. 10:* Leave out “the qualification of the electors and.”

*Mr. Gibson Bowles—*

*Cl. 7, l. 12:* After “provided” insert “that no such alteration shall be proposed unless previously recommended by a majority of two-thirds of the members of both Houses, and that no such alteration shall be valid unless ratified by a majority of three-fourths of the members of both Houses, and provided also.”

*Mr. Barley—*

*Cl. 7, l. 13:* At end, add “and subject to such changes being confirmed by the Imperial Parliament.”

*Mr. Walter M'Laren—*

*Cl. 7, l. 13:* At end, add “and provided that at any time the Irish Legislature may pass an Act enabling women to be registered as electors and to vote at the elections of the Legislative Council and the Legislative Assembly.”

*Mr. Tomlinson—*

*Cl. 7, l. 13:* At end, add “but they shall not remove or modify any personal incapacity or disqualification for sitting in either House of the Legislature.”

*Marquess of Carmarthen—*

*Cl. 7, l. 13:* Add:—

(4) Every member of the Legislative Council or Assembly shall, before taking seat therein, take before the Lord Lieutenant or some person authorised by him the oath of allegiance, or make the affirmation of allegiance to the Queen that is prescribed by Act of Parliament for Members of Parliament, and every member of the Legislative Council shall, before taking his seat therein, make and subscribe before the Lord Lieutenant, or some person authorised by him, the declaration of qualification contained in the Seventh Schedule of this Act.

*Mr. Parker Smith—*

*Cl. 7, l. 13:* At end, add:—

After ten years from the passing of this Act the Irish Legislature shall reconsider the distribution of the members among the constituencies,

and shall, if necessary, make a fresh division into constituencies, so that the distribution of members shall correspond as nearly as may be with the population of the constituencies.

Mr. Gerald Balfour—

*Cl. 7, l. 13*: At end, add:—

The members of the Legislative Assembly shall not receive compensation for their services from any public fund.

Mr. Gibson Bowles—

*Cl. 7, l. 13*: At end, insert:—

(4) Provided that no person holding any office under the Crown or the Lord Lieutenant of Ireland, or being in receipt of any public money from the Exchequer of the United Kingdom, or from the Irish Exchequer, whether in the form of salary, pay, pension, fees, or allowances of any kind, shall be capable of being a member of either House of the Irish Legislature during his continuance in such office or in receipt of such public money.

(5) Provided that no member of either House of the Irish Legislature shall, during the time of the continuance of the Council or Assembly for which he was elected, be capable of being appointed to any civil office under the authority of the Crown, or the Lord Lieutenant of Ireland, which shall have been created, or the emoluments whereof shall have been increased, during such time.

(6) Provided that no person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereunto belonging (although he be naturalised or made a denizen, except such as are born of English, Scotch, or Irish parents), shall be capable to be of the Privy Council of Ireland, or a member of either House of the Irish Legislature, or to enjoy any office or place of trust either civil or military.

8. If a Bill or any provision of a Bill adopted by the Legislative Assembly is lost by the disagreement of the Legislative Council, 15  
and after a dissolution, or the period of *two years* from such disagreement, such Bill, or a Bill for enacting the said provision, is again adopted by the Legislative Assembly and fails within three months afterwards to be adopted by the Legislative Council, 20  
the same shall forthwith be submitted to the members of the two Houses deliberating and voting together thereon and shall be adopted or rejected according to the decision of the majority of those members present and voting on the question.

Viscount Wolmer—

*Cl. 8, l. 11*: Leave out “or any provision of a Bill.”

Mr. Courtney—

*Cl. 8, l. 14*: After “by” insert “the Legislative Council or.”

*Cl. 8, l. 15*: Leave out “Legislative Council” and insert “other branch of the Legislature.”

Sir Henry James—

*Cl. 8, l. 15*: After “council” insert “or if adopted by the Legislative Council is lost by the disagreement of the Legislative Assembly.”

Captain Naylor-Leyland—

*Cl. 8, l. 16*: Leave out “and.”

*Cl. 8, l. 15*: Leave out “a dissolution, or”

Viscount Wolmer—

*Cl. 8, l. 16*: Leave out “or the period of two years from such disagreement.”

Captain Naylor-Leyland—

*Cl. 8, l. 16*: Leave out “two” and insert “five.”

Viscount Wolmer and Mr. Bartley—

*Cl. 8, l. 17*: Leave out “or a Bill for enacting the said provision.”

Mr. Courtney—

*Cl. 8, l. 18*: Leave out “Legislative Assembly” and insert “branch of the Legislature in which it originated.”

*Sir John Lubbock—*

*Cl. 8, l. 18:* After "Legislative Assembly" insert "by a majority of two-thirds."

*Mr. Bartley—*

*Cl. 8, l. 19:* Leave out "three" and insert "twelve."

*Mr. Courtney—*

*Cl. 8, l. 19:* Leave out "Legislative Council" and insert "other branch."

*Sir Henry James—*

*Cl. 8, l. 19:* After "Council" insert "or is again adopted by the Legislative Council, and fails within three months afterwards to be adopted by the Legislative Assembly."

*Mr. Grant Lawson—*

*Cl. 8, l. 20:* After the second "the" leave out to end of clause and insert "Imperial Parliament."

*Mr. Bartley—*

*Cl. 8, l. 22:* Leave out "or rejected according to the decision of the majority" and insert "only provided it be carried by a majority of at least two-thirds."

*Mr. Gerald Balgour—*

*Cl. 8, l. 22:* Leave out all after "adopted" to end of clause and insert "if two-thirds or more of the members present and voting on the question shall support it by their votes; if otherwise it shall be rejected."

*Mr. Hanbury—*

*Cl. 8, l. 22:* Leave out all after "decision of" and insert "a majority consisting of two-thirds of the Legislative Council and the Legislative Assembly voting together."

*Mr. Gibson Bowles—*

*Cl. 8, l. 22:* Leave out all after "decision of" and insert "a majority of three-fourths of the members of both Houses"

*Marquess of Carmarthen—*

*Cl. 8, l. 22:* Leave out the second "the" and insert "a."

*Cl. 8, l. 22:* After the second "of" insert "two-thirds of."

*Mr. Gibson Bowles—*

*Cl. 8, l. 23:* After "question" insert:—

Provided that a majority of each House of the Irish Legislature shall constitute a quorum to do business but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members in such manner and under such penalties as each House may provide.

9. (4) Compliance with the provisions of this section shall not be questioned otherwise than in each House in manner provided  
15 by the House.

(5) The election laws and the laws relating to the qualification of parliamentary electors shall not so far as they relate to parliamentary elections, be altered by the Irish Legislature but this enactment shall not prevent the Irish Legislature from  
20 dealing with any officers concerned with the issue of writs of election, and if any officers are so dealt with, it shall be lawful for Her Majesty by Order in Council to arrange for the issue of such writs, and the writs issued in pursuance of such Order shall be of the same effect as if issued in manner heretofore  
25 accustomed.

*Major Darwin—*

*Cl. 9, l. 15:* After Sub-section (4) insert the following sub-section:—

(5) If a Bill applying to Ireland is being considered by the House of Commons, and if an amendment is proposed and agreed to whereby the Bill ceases to apply to Ireland then, without further orders, the Clerk of the House of Commons shall strike out all entries in the Journal of the

House with regard to all matters concerning that Bill subsequent to its first reading, and it shall be as if the proceedings, the entries of which should thus be struck out, had never taken place.

*Mr. Webster—*

*Cl. 9, l. 15:* After Sub-section (4) add:—

Provided always that no Irish Representative Peer or member in the House of Commons for an Irish constituency shall be eligible to have a seat in any Cabinet, or be a member of any Ministry, charged with executive duties or on any matter affecting the internal administration of Great Britain.

*Viscount Cranborne—*

*Cl. 9 l. 15:* At end, add:—

Provided that if the minority upon such motion contain a majority of British Peers or members voting thereupon, it shall be the duty of a Minister of the Crown forthwith to present or introduce a Bill deciding the effect of the provisions of this section upon the point or points at issue, and until such Bill passes into law, no further action upon such point or points shall be taken in either House of Parliament or by the Crown.

**30.** (1) The forces of the Royal Irish Constabulary and Dublin Metropolitan Police shall, when and as local police forces are from time to time established in Ireland in accordance with the Sixth Schedule to this Act, be gradually reduced and ultimately cease to exist as mentioned in that Schedule: and after the passing of this Act, no officer or man shall be appointed to either of those forces; 25

Provided that until the expiration of *six* years from the appointed day, nothing in this Act shall require the Lord Lieutenant to cause either of the said forces to cease to exist, if as representing Her Majesty the Queen he considers it inexpedient. 30

(2) The said two forces shall, while they continue, be subject to the control of the Lord Lieutenant as representing Her Majesty, and the members thereof shall continue to receive the same salaries, gratuities, and pensions, and hold their appointments on the same tenure as heretofore, *and those salaries, gratuities, and pensions, and all the expenditure incidental to either force, shall be paid out of the Exchequer of the United Kingdom.* 35

*Colonel Howard Vincent—*

*Cl. 30, l. 28:* After "Act" insert "any officer or man may retire under the provisions of the said Schedule upon giving six calendar months' notice of his desire so to do, and no fresh appointments shall be made."

*Viscount Wolmer—*

*Cl. 30, l. 28:* Leave out "either of these forces" and insert "the Dublin Metropolitan Police."

*Mr. Parker Smith—*

*Cl. 30, l. 29:* Leave out "until the expiration of six years from the appointed day."

*Mr. Wyndham—*

*Cl. 30, l. 31:* After "exist" insert "in any county, municipal borough or other larger area."

*Mr. Parker Smith—*

*Cl. 30, l. 31:* After "forces" insert "to be reduced or."

*Mr. Brodrick—*

*Cl. 30, at end of l. 32:* Insert:—

Provided further that the number of such local forces and of the existing constabulary and police taken together shall at no time exceed the existing establishment of those forces.

*Viscount Wolmer—*

*Cl. 30, l. 33:* Leave out "said two forces shall while they continue" and insert "Royal Irish Constabulary, and the Dublin Metropolitan Police while it continues, shall."

*Mr. Wyndham—*

*Cl. 30, l. 33 :* Leave out “ while ” and insert “ where.”

*Mr. Arnold-Forster—*

*Cl. 30, l. 39 :* At end add—

(3) On or before a day to be appointed by Her Majesty in Council, and not later than one month before the appointed day, the whole of the arms and ammunition in the possession or under the control of the Royal Irish Constabulary shall be handed over to the officer commanding Her Majesty's forces in the district in which such arms and ammunition may be upon the said day ; and such arms and ammunition shall be retained by the officer commanding Her Majesty's forces in the district, and shall be handed over by him to the War Department ; and such arms and ammunition shall be the property of the War Department.

(3) When any existing member of either force retires under the provisions of the Sixth Schedule to this Act, the Treasury may award to him a gratuity or pension in accordance with that Schedule.

5 (4) *Those gratuities and pensions and all existing pensions payable in respect of service in either force, shall be paid by the Treasury to the payees out of the Exchequer of the United Kingdom.*

(5) *Two-thirds of the net amount payable in pursuance of this section out of the Exchequer of the United Kingdom shall be repaid*  
10 *to that Exchequer from the Irish Exchequer.*

*Colonel Howard Vincent—*

*Cl. 30, l. 2 :* Leave out “ may ” and insert “ shall.”

*Cl. 30, l. 7 :* After “ Kingdom ” insert “ in any part of the British Empire or any place where a consular representative of Her Majesty resides.”

*Viscount Wolmer—*

*Cl. 30, l. 8 :* Leave out “ two-thirds of the net amount payable ” and insert “ all sums paid.”

31. Save as may be otherwise provided by Irish Act,—

15 (a) The existing law relating to the Exchequer and Consolidated Fund of the United Kingdom shall apply with the necessary modifications to the Exchequer and Consolidated Fund of Ireland, and an officer shall be appointed by the Lord Lieutenant to be the Irish Comptroller and Auditor General ; and  
20 (b) The accounts of the Irish Consolidated Fund shall be audited as appropriation accounts in manner provided by the Exchequer and Audit Departments Act, 1866, by or under the direction of such officer.

*Mr. Henry Hobhouse—*

*Cl. 31, l. 12 :* Leave out “ Irish Act ” and insert “ this or any other Act of Parliament.”

*Mr. Courtney—*

*Cl. 31, l. 21 :* At end add :—

(c) Such officer shall not be removed from his office except in pursuance of an address from the two Houses of the Legislature of Ireland, nor during his continuance in office shall his salary be diminished or right to pension altered without his consent.

32. (1) Subject as in this Act mentioned and particularly to the Seventh Schedule to this Act (which Schedule shall have full effect) all existing election laws relating to the House of  
25 Commons and the members thereof shall so far as applicable, extend to each of the two Houses of the Irish Legislature and the

members thereof, but such election laws so far as hereby extended may be altered by Irish Act.

(2) The privileges, rights, and immunities to be held and enjoyed by each House and the members thereof shall be such as may be defined by Irish Act, but so that the same shall never exceed those for the time being held and enjoyed by the House of Commons, and the members thereof. 30

*Marquess of Carmarthen—*

*Cl. 32, l. 27 :* Leave out from “ thereof ” to end of sub-section.

*Sir Andrew Scoble—*

*Cl. 32, l. 28 :* At end add :—

Provided nevertheless that, save as in the said schedule mentioned, no person not qualified to be a member of the House of Commons shall be qualified to become a member of either House of the Irish Legislature.

*Mr. Tomlinson—*

*Cl. 32, after l. 28 :* Insert the following sub-sections :—

(2) No person shall be qualified to be a member of the Legislative Council or Legislative Assembly if he

- (1) Be a member of the other House of Legislature ; or
- (2) Be a Judge of the Supreme Court ; or
- (3) Be not a British subject ; or
- (4) Be a clergyman or minister of religion ; or
- (5) Be an undischarged bankrupt or a debtor whose affairs are in course of liquidation or arrangement ; or
- (6) Has been in any part of Her Majesty's dominions attained or convicted of treason or felony.

(3) Any person who shall directly or indirectly by himself or by any person whomsoever in trust for him or for his use or benefit, or on his account undertake, execute, hold or enjoy in the whole or in part any contract, agreement or commission made or entered into with, under, or from any person whomsoever for or on account of the Government of Ireland—

Or shall knowingly furnish or provide in pursuance of any such contract, agreement or commission any money to be remitted abroad or any goods whatsoever to be used or employed in the service of the public ; and any member of any company and any person holding any office or position in any company formed for the construction of any railway or other public work, the payment for which or the interest on the cost of which has been promised or guaranteed by the Government of Ireland—

shall be incapable of being a member of the Legislative Council or Legislative Assembly during the time he shall execute, hold or enjoy any such contract, agreement, or commission, or office, or position, or any part or share thereof, or any benefit or emolument arising from the same.

(4) If any person, being a member of the Legislative Council or Legislative Assembly, shall directly or indirectly himself or by any person whomsoever in trust for him or for his use or benefit or on his account enter into, accept, or agree for, undertake, or execute in the whole or in part any such contract, agreement, or commission as aforesaid, or if any person being a member of the said Council or Assembly, and having part or share of any such contract, agreement or commission, by himself or by any other person whomsoever in trust for him or for his use or benefit or upon his account, shall, after the commencement of the next session of the Legislature, continue to hold, execute, or enjoy the same or any part thereof, the seat of every such member shall be void : Provided that nothing in this or the last preceding section shall extend to persons contributing towards any loan for the public purposes heretofore or hereafter raised by the authority of the Irish Government or to the holders of any bonds issued for the purpose of any such loan.

(5) The foregoing provisions shall not extend to any contract, agreement or commission made, entered into, or accepted by any incorporated company where such company consists of more than twenty persons, and where such contract, agreement or commission is made, entered into, or accepted for the general benefit of such company.

(6) The foregoing provisions shall not extend to any person on whom after the commencement of this Act the completion of any contract, agreement or commission shall devolve by descent, or limitation, or by marriage, or as devisee or legatee until twelve months after he shall have

been in possession of the same, or to any executor or administrator until three years after he shall have been in possession of the same.

(7) If any member of the Legislative Council or Legislative Assembly after his nomination or election—

(1) Ceases to be qualified or becomes disqualified as aforesaid ; or

(2) Becomes of unsound mind ; or

(3) Takes any oath or makes any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign prince or Power, or does or concurs in or adopts any act whereby he may become a subject or citizen of any foreign State or Power, or whereby he may become entitled to the rights, privileges or immunities of a subject or citizen of any foreign State or Power ; or

(4) Accepts any pension during pleasure or for term of years, or any office or profit from the Crown other than that of an officer of Her Majesty's sea or land forces on full, half or retired pay ;

his seat shall thereupon become vacant. Provided that members accepting offices liable to be vacated on political grounds shall be eligible for re-election or, while the Council remains nominated, for re-appointment.

*Mr. Brodrick—*

*Cl. 32, l. 28 :* After " Act " insert :—

Provided that no person shall be disqualified from being elected for a constituency as a member of the Irish Legislative Council or the Irish Legislative Assembly by reason of his having a seat in the House of Lords, or of his having been elected to be an Irish representative Peer.

*Mr. Courtney—*

*Cl. 32, l. 31 :* Leave out " but so that the same shall never exceed " and insert " and until so defined and except so far as they may be thereby varied shall be."

35       **33.** (1) The Irish Legislature may repeal or alter any provision  
of this Act which is by this Act expressly made alterable by that  
Legislature, and also any enactments in force in Ireland, except  
such as either relate to matters beyond the powers of the Irish  
Legislature, or being enacted by Parliament after the passing  
of this Act may be expressly extended to Ireland. An Irish Act,  
40 notwithstanding it is in any respect repugnant to any enactment  
excepted as aforesaid, shall, though read subject to that enactment,  
be, except to the extent of that repugnancy, valid.

*Mr. Thomas Henry Bolton—*

*Cl. 33, l. 34 :* Leave out from " any " to " enactments " in line 36.

*Major Darwin—*

*Cl. 33, l. 38 :* After " Legislature " insert " (including such as relate to the training of persons to the use of arms or to the practice of military exercise, movements or evolutions)."

*Mr. Thomas Henry Bolton—*

*Cl. 33, l. 38 :* After " Parliament " insert " by this Act or."

*Mr. Tomlinson—*

*Cl. 33, l. 39 :* Leave out " may be expressly extended " and insert " extend."

*Sir Andrew Scoble—*

*Cl. 33, l. 39 :* Leave out " be expressly extended " and insert " relate."

*Mr. Hanbury—*

*Cl. 33, l. 39 :* Leave out " expressly extended " and insert " made applicable."

*Mr. Tomlinson—*

*Cl. 33, l. 39 :* After " Ireland " insert " or any part thereof."

*Sir Henry James—*

*Cl. 33, l. 39 :* After " Ireland " insert :—

Provided that no law passed by the Irish Legislature repealing or altering any enactment in force in Ireland before and on the appointed

day shall come into operation or be of any force or effect until the expiration of forty days after the same shall have been presented to both Houses of Parliament.

*Mr. Tomlinson—*

*Cl. 33, l. 39:* Leave out from “Ireland” to end of Sub-section (1).

(2) An order, rule,<sup>5</sup> or regulation, made in pursuance of, or having the force of, an Act of Parliament, shall be deemed to be an enactment within the meaning of this section.

(3) Nothing in this Act shall affect Bills relating to the divorce or marriage of individuals, and any such Bill shall be introduced and proceed in Parliament in like manner as if this Act had not passed. 5.

*Viscount Wolmer—*

*Cl. 33, l. 4:* Leave out Sub-section (3) and insert:—

(3) It shall be unlawful for the Irish Legislature to grant protection or indemnity to any person in respect of anything done or omitted to be done contrary to the provisions of or beyond the powers given by this Act or by virtue of powers purporting to be conferred by any Act of the Irish Legislature passed contrary to the provisions of this Act.

*Mr. Courtney—*

*Cl. 33, l. 4:* Leave out “Nothing in this Act shall effect” and insert “Until the Irish Legislature shall otherwise by Act provide.”

*Mr. Tomlinson—*

*Cl. 33, l. 5:* Leave out from “individuals” to end of clause.

*Mr. Courtney—*

*Cl. 33, l. 5:* Leave out “and any such Bill.”

**34.** The local authority for any county or borough or other area shall not borrow money without either—

(a) Special authority from the Irish Legislature, or 10.

(b) The sanction of the proper department of the Irish Government;

and shall not, without such special authority, borrow;

(i) In the case of a municipal borough or town or area less than a county, any loan which together with the then outstanding debt of the local authority, will exceed twice the annual rateable value of the property in the municipal borough, town, or area; or 15

(ii) In the case of a county or larger area, any loan which together with the then outstanding debt of the local authority, will exceed one-tenth of the annual rateable value of the property in the county or area; or 20

(iii) In any case a loan exceeding one-half of the above limits without a local inquiry held in the county, borough, or area by a person appointed for the purpose by the said department. 25.

*Mr. Scoton-Kerr—*

*Cl. 34, l. 11:* Leave out Sub-section (b).

*Mr. Courtney—*

*Cl. 34, l. 13:* After “authority” insert “from the Irish Legislature.”

*Mr. Burtley—*

*Cl. 34, after l. 25:* Add:—

(iv) This clause shall not be amended without the consent of the Parliament of the United Kingdom.



*Transitory Provisions.*

30      35. (1) During *three* years from the passing of this Act and if Parliament is then sitting until the end of that session of Parliament, the Irish Legislature shall not pass an Act respecting the relations of landlord and tenant, or the sale, purchase, or letting of land generally: Provided that nothing in this section shall prevent the passing of any Irish Act with a view to the purchase of land for railways, harbours, waterworks, town improvements, or other local undertakings.

35      (2) During *six* years from the passing of this Act, the appointment of a judge of the supreme Court or other superior court in Ireland (other than one of the Exchequer judges) shall be made in pursuance of a warrant from Her Majesty countersigned as heretofore.

Mr. Ambrose—

*Cl. 35, l. 26:* Leave out “transitory provisions.”

Marquess of Carmarthen—

*Cl. 35, l. 27:* Leave out Sub-section (1).

Mr. Bartley—

*Cl. 35, l. 27:* Leave out from the beginning to “the” in line 29.

Mr. Atherley-Jones—

*Cl. 35, l. 27:* Leave out from “During” to “the” in line 29 and insert “the Session of Parliament within which the appointed day may fall provided Parliament be then in Session.”

Marquess of Carmarthen—

*Cl. 35, l. 27:* Leave out “three” and insert “ten.”

Sir Henry James—

*Cl. 35, l. 28:* After “Parliament” insert “and until Parliament shall have fixed and declared the terms and conditions upon which the Irish Legislature may legislate.”

Mr. Thomas Henry Bolton—

*Cl. 35, l. 29:* Leave out “an” and insert “any.”

Mr. Plunket.

*Cl. 35, l. 30:* After “tenant” insert “whether under existing Statute law or by contract; or the remedies for or procedure relating to the recovery of rent; or the procedure relating to the recovery of the possession of land or respecting the title to land.”

Mr. Tomlinson—

*Cl. 35, l. 31:* After “generally” insert “and no Act of the Irish Legislature dealing with such objects shall be valid unless and until it has been laid on the table of both Houses of Parliament, and within one month after being so laid, a resolution disapproving of such Act shall not have been passed by either House of Parliament. In case such a resolution is passed such Act shall be void to all intents and purposes.”

Mr. Arnold-Forster—

*Cl. 35, l. 31:* After “generally” insert “and at the expiration of such prescribed period the Irish Legislature shall not pass any Act respecting the relations of landlord and tenant, or the sale, purchase, or letting of land generally, save and except upon such terms and under such conditions as shall have been, or may from time to time be, approved by the Imperial Parliament; and shall exercise no powers in respect of the above matters save and except such powers as shall have been, or may from time to time be, delegated to it by the Imperial Parliament.”

Mr. Hanbury—

*Cl. 35, l. 31:* Leave out from “generally” to end of Sub-section.

Mr. Sexton—

Cl. 35, l. 31 : "At end add :—

Provided that during the said term the representation of Irish constituencies, except Dublin University, in the House of Commons shall remain unchanged.

Colonel Nolan—

Cl. 35, l. 33 : "After "improvements" insert "labourers' or artisans' cottages with or without plots attached."

Mr. Tomlinson—

Cl. 35, l. 34 : "After "undertakings" insert :—

Provided that the Lands Clauses Consolidation Acts are incorporated therewith.

Mr. Robert Wallace—

Cl. 35, l. 35 : Leave out Sub-section (2).

Mr. Seton-Karr—

Cl. 35, l. 35 : Leave out "During six years from the passing of this Act."

Cl. 35, l. 36 : Leave out "a judge" and insert "the judges."

Cl. 35, l. 36 : Leave out "superior."

Cl. 35, l. 37 : Leave out "other than one of the Exchequer judges."

**36.** (1) Subject to the provisions of this Act Her Majesty the Queen in Council may make or direct such arrangements as seem necessary or proper for setting in motion the Irish Legislature and Government and for otherwise bringing this Act into operation.

(2) The Irish Legislature shall be summoned to meet on the *first Tuesday in September, one thousand eight hundred and ninety-four*, and the first election of members of the two Houses of the Irish Legislature shall be held at such time before that day, as may be fixed by Her Majesty in Council. 5

(3) Upon the first meeting of the Irish Legislature the members of the House of Commons then sitting for Irish constituencies, including the members for Dublin University, shall vacate their seats, and writs shall, as soon as conveniently may be, be issued by the Lord Chancellor of Ireland for the purpose of holding an election of members to serve in Parliament for the constituencies named in the Second Schedule of this Act. 10 15

(4) The existing Chief Baron of the Exchequer, and the senior of the existing puisne judges of the Exchequer Division of the Supreme Court, or if they or either of them are or is dead or unable or unwilling to act, such other of the judges of the Supreme Court as Her Majesty may appoint, shall be the first Exchequer judges. 20

Mr. Parker Smith—

Cl. 36, l. 6 : Leave out "one" and insert "two."

Viscount Wolmer—

Cl. 36, l. 10 : Leave out "Upon the first meeting of the Irish Legislature" and insert, "Immediately upon the passing of this Act."

Mr. Courtney—

Cl. 36, l. 13 : Leave out from "seats" to end of Sub-section (3).

Mr. Seton-Karr—

Cl. 36, l. 16 : Leave out "second" and insert "first."

Mr. Gibson Bowles—

Cl. 36, l. 16 : After "this Act" insert—

(4) Such of the seats in the House of Commons vacated by the last preceding sub-section of this Act as are not provided for by Clause 9, Sub-section (1), shall be allocated to Great Britain in such manner as Parliament may determine.

*Mr. Stuart-Wortley—*

*Cl. 36, l. 39:* After "adaptation" insert:—

(6) In any Order in Council made in pursuance of this section, and in any Irish Act whereby any powers now vested in Her Majesty in Council, a Secretary of State, the Treasury, the Chief Secretary to the Lord Lieutenant, the Postmaster-General, the Board of Inland Revenue, or other public department or officer, may be transferred to the Lord Lieutenant in Council or any department or officer of the Executive Government in Ireland, provision shall be contained for restraining such exercise of those powers as would have the effect, direct or indirect, of imposing any differential disability or conferring any privilege, advantage or benefit on account of religious belief or of diverting the property of any religious body, abrogating or prejudicially affecting the right to establish or maintain any place of denominational education or any denominational institution or charity: and in the absence of such provision such Order in Council or Irish Act shall be wholly void.

5 (7) An Order in Council under this section may make an adaptation or provide for a transfer either unconditionally or subject to such exceptions, conditions, and restrictions as may seem expedient.

10 (8) The draft of every Order in Council under this section shall be laid before both Houses of Parliament for not less than two months before it is made, and such Order when made shall, subject as respects Ireland to the provisions of an Irish Act, have full effect, but shall not interfere with the continued application to any place, authority, person, or thing, not in Ireland, of the enactment to which the Order relates.

*Mr. Gibson Bowles—*

*Cl. 36, l. 9:* Leave out "when made" and insert "after it has lain two months before both Houses of Parliament (unless within such two months a resolution has been adopted by one or the other of the said Houses disapproving of such Order or any part thereof)."

The expression "pension" includes superannuation allowance.

*Mr. Gibson Bowles—*

*Cl. 39, l. 26:* After "allowance" insert "The expression 'Council' means the Privy Council as established by the laws and customs of this realm."

## NEW FINANCIAL CLAUSES.

The Financial Clauses of the Home Rule Bill as introduced were withdrawn without discussion, and the following new clauses were moved:—

5 (1) Until the transfer hereinafter mentioned the existing taxes in Ireland shall be imposed by Act of Parliament, and all matters relating to those taxes or to the hereditary revenues of the Crown in Ireland, or to the collection or management thereof, shall be regulated by Act of Parliament.

(2) For the purposes of this Act the public revenue of Ireland shall be divided into general revenue and special revenue, and the general revenue shall consist of—

10 (a) The gross revenue collected in Ireland from the said taxes;  
(b) The portion due to Ireland of the hereditary revenues of the Crown which are managed by the Commissioners of Woods;  
and

(c) An annual sum for the customs and excise duties (if any) collected in Great Britain on articles consumed in Ireland;

15 Provided that an annual sum for the customs and excise duties

(if any) collected in Ireland on articles consumed in Great Britain shall be deducted from the revenue collected in Ireland, and treated as revenue collected in Great Britain.

(3) The above-mentioned annual sums shall be determined by the order of a committee appointed jointly by the Treasury and the Irish Government, and such order shall be laid before the House of Commons. 20

(4) One-third part of the general revenue of Ireland, and also that portion of any Imperial miscellaneous revenue to which Ireland may claim to be entitled, whether specified in the Third Schedule to this Act or arising hereafter, shall be paid into the Exchequer of the United Kingdom as the contribution of Ireland to Imperial liabilities and expenditure as defined in that schedule. 25

(5) The residue of the general revenue of Ireland shall, without being paid into the Exchequer of the United Kingdom, form part of the special revenue of Ireland. 30

(6) The civil charges of government in Ireland shall, subject as in this Act mentioned, be borne after the appointed day by Ireland and regulated by Irish Act.

(7) Where Parliament imposes any taxes expressly for the purpose of war, or of any special expenditure which Parliament declares to be war expenditure, or to be extraordinary expenditure for the defence of the realm, the revenue from those taxes which is collected in Ireland, or on articles consumed in Ireland, shall be paid into the Exchequer of the United Kingdom, and subject to the like deduction as above mentioned in respect of articles consumed in Great Britain, shall be treated as the contribution of Ireland for the said purpose. 35 40

(8) After six years from the appointed day the imposition of the existing taxes in Ireland other than duties of customs or excise, and the regulation of all matters relating to the existing taxes in Ireland other than the duties of customs, and to the collection and management thereof, shall, save as respects duties on articles consumed in Great Britain, be transferred to the Irish Legislature, and the arrangements made by this Act for the contribution of Ireland to Imperial liabilities and expenditure shall be revised. 45 50

*(The reference to the lines in this case does not follow the original references.)*

Sir John Gorst—

*Line 23:* Leave out "one-third part of the general revenue of Ireland" and insert "such proportion of the general revenue of Ireland as shall with a like proportion of the revenue of Great Britain make up a sum equal to the Imperial expenditure of the United Kingdom."

Mr. Clancy—

*Line 26:* After "shall" insert "till the Commission of Inquiry hereinafter mentioned shall have reported."

Sir John Gorst—

*Line 28:* After "schedule" insert "there shall also be paid into the Exchequer of the United Kingdom out of the general revenue of Ireland any sums directed by this Act to be repaid to that Exchequer from the Irish Exchequer which may from the time being be due and unpaid."

Mr. Sexton—

*Line 28:* At end add:—

Provided that if in any year the balance remaining out of the residue of the general revenue of Ireland and miscellaneous public revenue of Ireland connected with the civil charges, after payment of charges existing or created in pursuance of this Act, including all charges for police, is less than five hundred thousand pounds, the difference shall be deducted from the contribution of Ireland to Imperial liabilities and expenditure and paid into the Irish Exchequer as part of the special revenue of Ireland.

*Sir John Gorst—*

*Line 29 :* After " Ireland " insert " after any payment made in respect of such repayment (if any) as aforesaid."

*Mr. Harrington—*

After Sub-section (5) insert the following sub-section :—

(6) As soon as possible after the appointed day, a Commission of Inquiry shall be appointed jointly by the Treasury and the Irish Government to inquire into and report upon the sum payable as the contribution of Ireland to Imperial charges as defined in the Third Schedule, to this Act, regard being had to the ability of Ireland to bear taxation as compared with that of Great Britain, and when such Commission shall have so reported to the Treasury and the Irish Government, then the contribution of Ireland to the Imperial expenses as aforesaid shall thenceforward be varied accordingly.

*Mr. Sexton—*

*Line 38 :* After " realm " insert " so much of."

*Line 39 :* After " Ireland " insert " as will represent the proportion to the total special or extraordinary expenditure which the annual contribution of Ireland bears to the annual Imperial charges."

*Line 43 :* After " purpose " insert " and the remainder shall be paid into the Irish Exchequer as part of the special revenue of Ireland."

## NEW CLAUSES.

*Mr. Gladstone—*

After Clause 9 insert the following clause :—

(1) On and after the appointed day there shall be an Irish Exchequer and Consolidated Fund separate from those of the United Kingdom.

(2) The Irish Legislature in order to provide for the public service of Ireland may impose any taxes other than the existing taxes in Ireland, and all matters relating to the taxes so imposed, or to the miscellaneous public revenue of Ireland connected with the civil charges of government in Ireland or to the collection and management of such taxes or revenue, shall be regulated by Irish Act, and the proceeds shall form part of the special revenue of Ireland.

(3) The special revenue and, save as in this Act mentioned, all the public revenue of Ireland shall be paid into the Irish Exchequer, and all sums paid into the Irish Exchequer shall form a Consolidated Fund and be appropriated to the public service of Ireland by Irish Act, and shall not be applied for any purpose for which they cannot be so appropriated.

*Viscount Wolmer—*

As an amendment to Mr. Gladstone's proposed new clause (as to Irish Consolidated Fund and special revenue), add : " and if any such special or public revenue be expended otherwise than as authorised by such Act, or be expended in contravention of any of the provisions of this Act, the public officer or other person so expending such revenue shall be guilty of a misdemeanour, and the Lord Lieutenant shall by order, without any counter-signature direct a criminal information to be brought against the person so offending before the Exchequer Judges, who shall try and determine the same without a jury, and no *nolle prosequi* shall be entered by any authority to any prosecution so ordered."

*Mr. Gladstone—*

After Clause 16 insert the following clause :—

(1) So much of any Act as directs payment to the Local Taxation (Ireland) Account of any share of probate, excise or customs duties shall, together with any enactment amending the same, be repealed as from the appointed day without prejudice to the adjustment of balances after that day : but until otherwise provided by Irish Act, the like amounts shall be paid out of the Irish Exchequer to the Guarantee Fund or Local Taxation (Ireland) Account as would have been paid out of the said duties if this Act had not passed.

(2) The like amounts shall continue to be paid out of the aggregate of the said duties to the Local Taxation Accounts in England and Scotland as would have been paid if this Act had not passed, and any residue of the said duties which forms part of the revenue of Great Britain shall be paid into the Exchequer of the United Kingdom.

(3) Notwithstanding anything in " The Purchase of Land (Ireland) Act, 1891," the advances made by the issue of guaranteed land stock

under that Act shall not, save as in section nine of that Act provided exceed twenty-five times the shares of each county in the guarantee fund, which shall be ascertained on the basis of the financial year in which this Act is passed.

(4) The general revenue of Ireland and the sums payable thereout shall be paid to and from such account and in such manner as the Treasury direct.

(5) Where any sum payable by virtue of this Act to the Exchequer of the United Kingdom is required by law to be forthwith paid to the National Debt Commissioners or to any other person, that sum may be so paid without being paid into the Exchequer.

(6) All sums by this Act made payable from the Exchequer of the United Kingdom shall be charged on and paid out of the Consolidated Fund of the United Kingdom.

*Mr. Sexton—*

As an amendment to Mr. Gladstone's proposed new clause (Supplemental as to Local Taxation Account and other matters), After "Treasury" insert "in communication with the Irish Government."

*Mr. Gladstone—*

After Clause 19 insert the following clause :—

(1) Until the arrangements for the contribution of Ireland to Imperial liabilities and expenditure are revised as in this Act mentioned, the duties on postage in Ireland shall be imposed, and all matters relating to those duties or to the Post Office, shall be regulated by Act of Parliament.

(2) If the Irish Post Office revenue is less than the Irish Post Office expenditure the deficiency shall be paid to the Exchequer of the United Kingdom out of the Irish Exchequer, but if it is more, the excess shall be paid as part of the expenses attending the execution of the Post Office Acts, and shall form part of the special revenue of Ireland : the amount of such revenue and expenditure shall be determined by an order of the committee appointed as provided by this Act jointly by the Treasury and the Irish Government in relation to the general revenue of Ireland, and such order shall be laid before the House of Commons.

As amendments to Mr. Gladstone's proposed new clause (as to Irish Post Office revenue and expenditure) :—

*Mr. Sexton—*

At end, add :—

Provided, however, that the Irish Legislature may pass an Act to provide for the transfer of control of the Irish Post Office.  
Leave out Sub-section (2).

*Mr. John Morley—*

After Clause 38 insert the following clause :—

In this Act, unless the context otherwise requires—

The expression "existing" means existing at the passing of this Act :

The expression "constituency" means a parliamentary constituency or a county or borough returning a member or members to serve in either House of the Irish Legislature, as the case requires, and the expression "parliamentary constituency" means any county, borough, or University returning a member or members to serve in Parliament :

The expression "parliamentary elector" means a person entitled to be registered as a voter at a parliamentary election.

The expression "parliamentary election" means the election of a member to serve in Parliament.

The expression "tax" includes duties and fees, but does not include duties on postage :

The expression "duties of excise" does not include licence duties :

The expression "stamps" does not include stamps for collection of fees, or of other sums payable for services rendered :

The expression "existing taxes in Ireland" means the duties of customs, excise, and income tax, and the duties raised by existing stamps and licences in Ireland, whether the amount of such duties is or is not varied :

The expression "duties on postage" includes all rates and sums chargeable for or in respect of postal packets, money orders, or telegrams, or otherwise under the Post Office Acts or "The Telegraph Act, 1892," or under the Acts relating to Savings Banks :

Expressions referring to the Post Office and to the revenue and expenditure of the Irish Post Office shall include a reference to telegraphs, savings banks, and all business transacted under the authority or control of the Postmaster-General ;

The expression " Irish Act " means a law made by the Irish Legislature ;

The expression " election laws " means the laws relating to the election of members to serve in Parliament, other than those relating to the qualification of electors, and includes all the laws respecting the registration of electors, the issue and execution of writs, the creation of polling districts, the taking of the poll, the questioning of elections, corrupt and illegal practices, the disqualification of members and the vacating of seats ;

The expression " rateable value " means the annual rateable value under the Irish Valuation Acts ;

The expression " salary " includes remuneration, allowances, and emoluments ;

The expression " pension " includes superannuation allowance ;

The expression " office " includes employment, and the expression " officer " includes the holder of any employment ;

Where by this Act provision is made for anything being done by " Her Majesty," or by the " Lord Lieutenant as representing Her Majesty," then, unless the context otherwise requires, the provision shall be construed to refer to Her Majesty acting in Council or through a Secretary of State.

*Mr. Sexton—*

As an amendment to Mr. John Morley's proposed new Clause (Definitions) :  
At end, add :—

Where by this Act provision is made for anything being done by the Lord Lieutenant, then, unless the context otherwise requires, the provision shall be construed to refer to the Lord Lieutenant, acting upon the advice of the Executive Committee of the Irish Privy Council.

*Mr. Brodrick—*

To move the following clause :—

On and after the appointed day this Act shall not, except such provisions thereof as are declared to be alterable by the Legislature of Ireland, be altered, except that it shall be lawful for Her Majesty, upon the address of both Houses of the Imperial Parliament, to diminish or restrain the whole or any part of the powers herein granted to the Irish Legislature.

*Mr. Biddulph—*

To move the following clause :—

That no flag shall be hoisted upon any Government building save and except the Union Jack.

*Sir George Chesney—*

After Clause I insert the following clause :—

On or before the appointed day the regular military forces of the Crown shall all be withdrawn from Ireland, save and except only such garrisons as may be necessary for the defence of maritime forts or posts, and such depôts as may be necessary for recruiting purposes.

On or before the appointed day the existing regiments of Irish Militia shall be disbanded.

*Sir Henry Meysey-Thompson—*

After Clause 14 insert the following clause :—

Any loan raised by the Irish Government by the issue of stock, or annuities, or otherwise, or any part of such loan, shall at any time after the expiration of a period not exceeding fourteen years from the date of the raising of the loan be redeemable at the option of the Irish Government by the payment, after six months' public notice of the intention to exercise such option, of the amount actually and *bona fide* received by the Irish Government in respect of the loan or of a proportionate part of that amount, as the case may be, together with interest up to the date of payment.

*Mr. Griffith-Boscawen—*

Page 3 : Leave out Clause 6, and insert the following clause :—

The Irish House of Lords shall consist of sixty Irish Peers, to be chosen from the whole body of Irish Peers in the same manner as the representative Irish Peers in the House of Lords are chosen.

*Mr. Kimber—*

To move the following clause :—

Any of Her Majesty's subjects in Ireland or elsewhere who shall feel aggrieved at any act done, or demand made, or proceeding taken or threatened, in excess of any power or authority conferred by this Act, shall be at liberty to lodge a protest in writing with Her Majesty's Attorney-General in England, stating the grounds upon which he (such subject) contends that such act, demand, or proceeding is so in excess of the powers or authorities conferred by this Act ; and unless the said Attorney-General shall within                    days certify in writing upon such protest that the grounds alleged are untenable, such protest shall forthwith be laid before both Houses of Parliament, who shall by resolution determine whether or not and how far the powers and authorities intended to be conferred by this Act have been or would be exceeded by such demand or proceeding being persisted in, and if either House so resolve, such act, demand or proceeding shall have no effect.

If such protest be made in the course of any legal proceeding, no execution or final process shall issue under any judgment or order therein before the result of such protest is known.

*Mr. Atherley-Jones—*

To move the following clause :—

On and after the appointed day, Ireland shall cease to return representative Peers to the House of Lords or members to the House of Commons, and the persons who on the said day are such representative Peers and members shall cease as such to be members of the House of Lords and the House of Commons respectively.

*Mr. Powell Williams—*

After Clause 2 insert the following clause :—

Nothing in this Act contained shall diminish or otherwise affect the full power and authority of Parliament to make laws and statutes of sufficient force and validity to bind the kingdom and people of Ireland.

*General Goldsworthy—*

To move the following clause—

Immediately after and within six months of the passing of this Act, any person owning or occupying houses or land in Ireland who has an objection to living or remaining in Ireland under the altered condition of Government shall, on making a statutory declaration to that effect, and that he fears that his life would become unbearable, receive the full value of his interest in such house or land on surrendering the same to the officers of the court appointed to settle such claims, and this Act shall not come into operation until all such claims have been satisfied.

The mode of ascertaining the value shall be settled under the orders of the present Chief Baron of the Exchequer or one of the Puisne Justices of the Exchequer division.

*Mr. Harry Foster—*

To move the following clause :—

Nothing contained in this Act shall be deemed to repeal in whole or in part any previous Act of the Imperial Parliament, except in so far as any such previous Act, or any part thereof, shall be cited and expressly repealed, altered, varied, or modified by the provisions of this Act.

*Mr. Bartley—*

After Clause 4 insert the following clause :—

Her Majesty the Queen shall have the same prerogatives with respect to summoning, proroguing, and dissolving the Legislative Assembly as Her Majesty has with respect to summoning, proroguing and dissolving Parliament.

*Mr. Kimber—*

After Clause 4 insert the following clause :—

It shall and may be lawful for Parliament, by resolution passed in both Houses, to declare that any Act or resolution of the Irish Legislature is wholly or partially, and to what extent, void. To which resolution the Royal Assent may be given as if it were a Bill passed by both Houses, and if the Royal Assent be given to such resolution, the same shall have full force and effect, and receive cognisance as one of the Statutes of the United Kingdom, and shall be published therewith. And the said Irish Act or resolution shall either wholly, or to the extent in the said resolution of Parliament stated, be deemed to be void as if the same had never been passed.



Major Darwin—

After Clause 5 insert the following clauses :—

(1) The lieutenants of counties shall be appointed by Her Majesty on the advice of the Secretary of State for War.

(2) Any lieutenant of a county shall have power to appoint any person or persons to carry out the provisions of either the Army Act or other Act with regard to the movement or billeting of troops, or to the impressment of carriages for military purposes, or to the balloting for the Militia, or for the apprehension of deserters, or of any Act with regard to the training of persons in the use of arms or the practice of military evolutions or exercises, and for such purposes such person or persons shall have all the powers which under the said Acts may be exercised by a justice of the peace or by a constable.

No action or proceeding whatsoever shall be commenced or prosecuted against anyone subject to military discipline for having refused to give assistance in Ireland when required either by any civil authority or in consequence of any civil disturbance, if such refusal is in accordance with military orders issued, by the advice of the Secretary of State for War.

Mr. Horace Plunkett—

After Clause 25 insert the following clause :—

Notwithstanding anything in this Act contained, Kingstown Harbour, the Port and Harbour of Belfast, and the Port and Harbour of Cork, shall remain under the same control as heretofore, and the Irish Legislature shall not have power to repeal or alter any Act of Parliament dealing therewith.

Mr. Balfour—

Leave out Clause 9 and insert the following clause :—

(1) From and after the appointed day Ireland shall cease to return representative Peers to the House of Lords or members to the House of Commons, and the persons who on the said day are such representative Peers and members shall cease as such to be members of the House of Lords and Commons respectively.

(2) If a Bill is introduced into either House of Parliament to amend this Act, then before further proceedings are taken on such Bill there shall be summoned to the House of Lords twenty-eight representative Peers, elected in the manner heretofore in use, and there shall be summoned to the House of Commons members to be returned in the same numbers and by the same constituencies in Ireland as are returned at the date of the passing of this Act; and those Peers and members shall be entitled to sit, deliberate, vote and be members of the two Houses of Parliament respectively for the purpose of passing, amending or rejecting the said Bill and for no other purpose.

(3) For the purposes of this section it shall be lawful for Her Majesty by Order in Council to make such provisions for summoning the said Peers of Ireland to the House of Lords, and the said members from Ireland to the House of Commons, as to Her Majesty may seem necessary and proper; and any provisions contained in such Order in Council shall have the same effect as if they had been enacted by Parliament.

Mr. Rathbone—

After Clause 9 insert the following clause :—

(1) Members of the House of Commons for Irish constituencies (in this section referred to as the Irish members) shall be summoned to Parliament for the purposes and subject to the conditions hereinafter mentioned (that is to say) :—

(a) In the event of an Address being presented to Her Majesty from each House of the Irish Legislature praying for the passing of a Bill altering either this Act or the law affecting, as regards Ireland, any matter which in pursuance of Section 3 or Section 4 of this Act is withdrawn from the jurisdiction of the Irish Legislature, or praying for the rejection of any such Bill when proposed in Parliament, the Irish members shall be summoned to Parliament for the consideration of the Bill embodying such alteration;

(b) The Irish Members shall be summoned for the consideration of any motion or Bill for increasing the duties of customs leviable in Ireland;

(c) If and when the House of Commons so determine, in accordance with such conditions and restrictions as the House may think fit to adopt, the Irish Members shall be

summoned for the consideration of any specific matter mentioned in Section 3 or Section 4 of this Act, affecting the whole or any part of Her Majesty's dominions ;

(d) The Irish Members shall also be summoned if and when Her Majesty sees fit so to direct, for any purpose for which they might be summoned on an Address from the Irish Legislature, or by action of the House of Commons, or for the consideration of any specific matter affecting Ireland either particularly or as part of Her Majesty's dominions.

(2) After the appointed day the Irish Members shall not be entitled to sit, deliberate, or vote in Parliament, except in relation to matters for which they have been summoned in pursuance of this section ; but this Act shall not, except such provisions thereof as are declared to be alterable by the Irish Legislature, be altered otherwise than by Act of Parliament for the passing of which the Irish Members have been summoned.

(3) Arrangements shall be made by the House of Commons with respect to the manner and time of summoning the Irish Members to Parliament at a special or adjourned session or otherwise, as may be necessary and convenient for the purposes mentioned in this section, and with respect to their admission to sit, deliberate, and vote in Parliament on the matters for which they are summoned.

*Mr. Horace Plunkett—*

After Clause 23 insert the following clause :—

If any officer or person, who is at the passing of this Act in receipt of salary, fees, or allowances, payable out of county cess, or out of any city or urban rates, is removed from his office or deprived of his salary, fees or allowances, or any part thereof, for any cause other than misconduct, the Lord Lieutenant shall, on application, award him a pension by way of compensation for loss of office calculated in like manner as is provided in the case of pensions to be awarded under this Act to persons in the permanent Civil Service in Ireland serving in a capacity which qualifies them for a pension under "The Superannuation Act, 1859," but all pensions awarded as aforesaid shall be levied in the same way, and paid out of the same rate or fund, as the salaries of county or urban officers are at the present time levied and paid, or in such way, and out of such rate or fund, as the said salaries may at any time hereafter be levied or paid.

*Mr. Henegane—*

After Clause 8 insert the following clause :—

On and after the appointed day, except as hereafter provided by the Act, or until Parliament may otherwise determine, Ireland shall cease to return representative Peers to the House of Lords or members to the House of Commons, and the persons who, on the said day, are such representative Peers and members shall cease as such to be members of the House of Lords and House of Commons respectively.

*Sir Julian Goldsmid—*

To move the following clause :—

Any county or borough to which, by the Second Schedule, there is allotted more than one member, shall be divided into districts corresponding with the number of members, and as far as is reasonably possible with equal proportions of population, each district returning one member ; and no elector shall vote for more than one district of the same county or borough.

*Mr. Parker Smith—*

Before Clause 1 insert the following clause :—

Previously to the appointed day there shall be a vote by ballot of the parliamentary electors of Great Britain and Ireland upon the question whether this Act shall come into effect, and if that question shall have been decided in the affirmative by a majority of the electors in Great Britain and in Ireland severally, then on the appointed day this Act shall come into effect.

After Clause 3 insert the following clause :—

The powers of the Irish Legislature shall not extend to the making of any law—

1. Whereby the writ of *habeas corpus* may be suspended ;
2. Whereby any Bill of attainder, or *ex post facto* law, may be passed.
3. Whereby any person shall be made subject for the same offence to be twice put in jeopardy of life or liberty ;
4. Whereby the freedom of speech or of the Press shall be abridged, or whereby the right of the people peaceably to assemble and

to petition either the Imperial Parliament or the Irish Parliament for a redress of grievances, shall be impaired ;

5. Whereby the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall be violated, or whereby warrants shall issue except upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized ;
6. Whereby the privileges and immunities of British citizens are abridged or made inferior to those of Irish citizens ;
7. Whereby the protective duties are imposed or bounties on any industry are granted, or whereby any tax or duty is imposed on goods exported ;
8. Whereby the obligation of contracts shall be impaired ;

Any law made in contravention of this section shall be void.

After Clause 5 insert the following clause :—

If it shall appear to the Lord Lieutenant, on the advice of a Secretary of State, that it is matter of doubt whether a Bill passed by the two Houses of the Irish Legislature is beyond the powers of the Irish Legislature, he may reserve the assent of Her Majesty until such time as the question has been determined by the Judicial Committee of the Privy Council, as hereinafter provided.

Leave out Clause 9 and insert the following clause :—

The persons named in the Schedule of this Act shall with all practicable despatch draw up and submit to one of Her Majesty's principal Secretaries of State a report showing schemes for dividing Ireland into constituencies for electing members to the Legislative Council, the Legislative Assembly, and the House of Commons respectively, and such report shall be submitted to Parliament. Provided that in such schemes the number of electors in each constituency shall be as nearly as may be proportional to the number of members returned by the constituency, and provided that in such schemes the existing boundaries of counties and burghs shall, so far as possible, be followed.

*Mr. Theobald*—

To move the following clause :—

That it shall be lawful for the occupier of any premises (without any exception) to hoist and fly over them the Union Jack, and to hoist and fly the Royal Standard over any building (no matter what) where any member of the Royal Family may be at the time.

#### POSTPONED CLAUSES.

- 15      14. (1) There shall be charged on the Irish Consolidated Fund in favour of the Exchequer of the United Kingdom as a first charge on that fund all sums which—

- (a) are payable to that Exchequer from the Irish Exchequer ; or  
20           (b) are required to repay to the Exchequer of the United Kingdom sums issued to meet the dividends or sinking fund on guaranteed land stock under the Purchase of Land (Ireland) Act, 1891, or

- (c) otherwise have been or are required to be paid out of the  
25           Exchequer of the United Kingdom in consequence of the non-payment thereof out of the Exchequer of Ireland or otherwise by the Irish Government.

- (2) If at any time the Controller and Auditor General of the United Kingdom is satisfied that any such charge is due, he shall  
30           certify the amount of it, and the Treasury shall send such certificate to the Lord Lieutenant, who shall thereupon by order without any counter-signature, direct the payment of the amount from the Irish Exchequer, to the Exchequer of the United Kingdom, and such order shall be duly obeyed by all persons, and until the amount is wholly paid no other payment shall be made out  
35           of the Irish Exchequer for any purpose whatever.

          (3) There shall be charged on the Irish Consolidated Fund next after the foregoing charge :—

- (a) All sums, for dividends or sinking fund on guaranteed land stock under the Purchase of Land (Ireland) Act, 1891,

which the Land Purchase Account and the Guarantee Fund 40  
under that Act are insufficient to pay;

- (b) All sums due in respect of any debt incurred by the Government of Ireland, whether for interest, management, or sinking fund;

*Mr. Henry Hobhouse—*

*Cl. 14, l. 22:* At end, insert:—

(c) Are required to repay to the Exchequer of the United Kingdom sums voted by Parliament by way of compensation to any person or to any foreign government for loss or damage suffered by reason of any act done, or omitted to be done, by the Irish Government, or by a member or officer of that Government, acting as such, in contravention of any of the provisions of this or any other Act of Parliament, or.

*Mr. Cochrane—*

*Cl. 14, l. 26:* After “Government” insert “or all sums payable by the Exchequer of the United Kingdom as indemnity to any foreign Power, or to any subject or subjects of such foreign Power, for any wrongful act or any injury done to such foreign Power, or to any subject or subjects of such foreign Power, or to the property of such subject or subjects, for which the Irish Government shall be held responsible.”

*Mr. Gladstone—*

*Cl. 14, l. 29:* After “and” insert “the Treasury shall cause the amount so certified to be deducted out of any revenue payable to the Irish Exchequer, and if from any cause the amount is not so deducted.”

*Mr. Parker Smith—*

*Cl. 14, ll. 30 and 31:* Leave out “without any counter signature” and insert “countersigned by a Secretary of State.”

*Mr. Bartley—*

*Cl. 14, l. 35:* After “whatever” insert “and all payments so made shall be recoverable from the officer or officers so making them by summary process of law.”

*Mr. Sexton—*

*Cl. 14, l. 35:* At end, add:—

Provided that before the deduction of such charge or issue of such order, as the case may be, the Treasury or the Lord Lieutenant shall give to the Irish Government at least one month's notice, and in case the Irish Government represent that the charge or part thereof is not due, the question shall be heard and determined by the Exchequer Judges, whose decision shall be final.

*Cl. 14, l. 42:* Leave out Sub-section (b).

*Sir Henry Meysey-Thompson—*

*Cl. 14, l. 44:* At end, add:—

Provided that there shall not be charged on the Irish Consolidated Fund in respect of the principal of a loan raised by the Irish Government, whether by the creation of stock, or annuities, or otherwise, any greater amount than the amount actually and *bonâ fide* received by the Irish Government in respect of the loan, and any loan charged on the said Fund shall be redeemable in accordance with the provisions of this Act.

(c) An annual sum of *five thousand* pounds for the expenses of the household and establishment of the Lord Lieutenant;

(d) All existing charges on the Consolidated Fund of the United Kingdom in respect of Irish services other than the salary of the Lord Lieutenant; and

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*Mr. Sexton—*

*Cl. 14, l. 5:* After “Lieutenant” insert “the charge for Queen's College, Ireland, and the charge for the Exchequer contribution.”

15. (1) All existing charges on the Church property in Ireland, —that is to say, all property accruing under the Irish Church Act, 1869, and transferred to the Irish Land Commission by the Irish Church Amendment Act, 1881—shall so far as not paid out of the said property be charged on the Irish Consolidated Fund, and any

of those charges guaranteed by the Treasury, if and so far as not paid, shall be paid out of the Exchequer of the United Kingdom.

- 20 (2) Subject to the existing charges thereon, the said Church property shall belong to the Irish Government, and be managed, administered, and disposed of as directed by Irish Act.

*Mr. Sexton—*

*Cl. 15, l. 13:* After "charges" insert "guaranteed by the Treasury."

*Mr. Bartley—*

*Cl. 15, l. 17:* Leave out "Irish."

*Cl. 15, l. 17:* After "Fund" insert "of the United Kingdom, and shall be recoverable from the Irish Exchequer under Section 14, Sub-section (2)."

*Mr. Sexton—*

*Cl. 15, l. 17:* Leave out from "and" to "if" in Line 18.

*Mr. Bartley—*

*Cl. 15, l. 21:* After "Government" insert "of the United Kingdom."

*Cl. 15, l. 22:* After "Act" insert "of Parliament."

16. (1) All sums paid or applicable in or towards the discharge of the interest or principal of any local loan advanced before the  
25 appointed day on security in Ireland, or otherwise in respect of such loan, which but for this Act would be paid to the National Debt Commissioners, and carried to the Local Loans Fund shall, after the appointed day, be paid, until otherwise provided by Irish Act, to the Irish Exchequer.

- 30 (2) For the payment to the Local Loans Fund of the principal and interest of such loans, the Irish Government shall after the appointed day pay by half yearly payments an annuity for *forty-nine* years, at the rate of *four* per cent. on the principal of the said loans, exclusive of any sums written off before the appointed day from the  
35 account of assets of the Local Loans Fund, and such annuity shall be paid from the Irish Exchequer to the Exchequer of the United Kingdom, and when so paid shall be forthwith paid to the National Debt Commissioners for the credit of the Local Loans Fund.

- 40 (3) After the appointed day, money for loans in Ireland shall cease to be advanced either by the Public Works Loan Commissioners or out of the Local Loans Fund.

*Mr. Sexton—*

*Cl. 16, l. 33:* Leave out "four" and insert "three pounds fifteen shillings."

*Cl. 16, l. 33:* After "loans" insert "after deducting therefrom such sums as, within one year after the appointed day, may be declared by an order of the Committee appointed as provided by this Act jointly by the Treasury and the Irish Government to be uncollectable."

*Mr. Bartley—*

*Cl. 16, After Line 39 insert:—*

Provided that if any half-yearly payment be not made within three months the Treasury shall act as specified in Section 14, Sub-section (2).

*Mr. Sexton—*

*Cl. 16:* After Line 39 insert:—

(3) At the end of six years from the appointed day the said Committee shall report to the Treasury and the Irish Government what portion, if any, of the principal of such local loans is uncollectable, and on the application of the Irish Government the provisions of this section shall be revised by the Imperial Parliament at the time of the revision of the financial arrangements between the United Kingdom and Ireland.

*Mr. Bartley—*

*Cl. 16, l. 40:* After "Ireland" insert "and all advances of land purchase under any Act."

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